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THE FORGOTTEN VICTIMS:

How the Hierarchy of Victimhood Shapes the Misrecognition of Trafficked
Vietnamese Boys in the United Kingdom

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Abstract:

Human trafficking is frequently understood through the image of the vulnerable sexually exploited woman or girl. This representation has come to dominate anti-trafficking policy and victim identification practices. As a result, victims whose experiences fall outside this narrative often struggle to access recognition and protection. This thesis explores how socially constructed notions of the 'ideal victim' shape the identification and protection of trafficked Vietnamese boys in the United Kingdom, particularly those exploited in cannabis cultivation. Drawing upon a literature, legal analysis, expert interviews, and Nils Christie's theory of the ideal victim, the thesis examines the extent to which perceptions of victimhood influence victim's access to protection in practice.

The study analyses the international and domestic legal framework governing trafficking, including the Palermo Protocol, the United Nations Convention on the Rights of the Child, the European Convention on Human Rights, the Modern Slavery Act 2015, and the National Referral Mechanism. It further examines case law and practitioner perspectives concerning the identification and treatment of trafficked boys involved in criminal exploitation. The findings demonstrate that, while the United Kingdom possesses a comprehensive legal framework intended to protect trafficking victims, its effectiveness is constrained by gendered and moral assumptions that privilege certain forms of victimhood over others. Consequently, trafficked Vietnamese boys risk misidentification and exclusion from protection. The thesis argues that addressing these biases through improved training, victim identification practices, and greater recognition of trafficking beyond sexual exploitation is essential to ensuring that anti-trafficking protections function effectively in practice, not just in theory.

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List of Abbreviations

<u>Abbreviation</u>	<u>Full Term</u>
ATLEU	Anti Trafficking and Labour Exploitation Unit
CoE	Council of Europe
ECAT	Council of Europe Convention on Action against Trafficking in Human Beings
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
GRETA	Group of Experts on Action against Trafficking in Human Beings
HRA	Human Rights Act 1998
IOM	International Organization for Migration
MSA	Modern Slavery Act 2015
MS	Modern Slavery
NGO	Non-Governmental Organisation
NRM	National Referral Mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
THB	Trafficking of Human Beings
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNODC	United Nations Office on Drugs and Crime
UK	United Kingdom
UKVI	UK Visas and Immigration
VCL & AN	V.C.L. and A.N. v United Kingdom

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Introduction

0.1 Political Background, Public Attitudes and Context

"Children are also being failed by the systems that are meant to be helping them." (*Independent Anti-Slavery Commissioner, 2025*)¹

This observation captures a central tension within the United Kingdom's response to human trafficking. Despite extensive legal and policy frameworks, some trafficking victims are easier to recognise and protect than others. Public understandings of trafficking are frequently shaped by images encountered in media and awareness campaigns: a frightened young woman trapped and bound for sexual exploitation.² Similar imagery can be seen on posters in airports, train stations, and service stations across the United Kingdom. Although such campaigns play an important role in raising awareness, they also contribute to a particular understanding of who trafficking victims are and what exploitation looks like. As a result, public discussions of trafficking often remain closely associated with the sexual exploitation of women and girls.

Yet trafficking extends far beyond sexual exploitation. During my earlier pro bono research examining Vietnamese children trafficked into cannabis cultivation in the United Kingdom, a striking disconnect emerged between dominant representations of trafficking and the realities experienced by many victims. Although these children had experienced serious exploitation, their victimhood was often overshadowed by perceptions of criminality and irregular migration. Advocating for them involved additional hurdles. Their experiences appeared largely absent from public discussions of trafficking despite clearly falling within domestic and international definitions. Those I spoke to outside of the pro bono clinic rarely knew of such cases unless they had prior experience working in anti-trafficking.

This disconnect is particularly significant within the United Kingdom. Vietnamese nationals have consistently been among the most frequently identified nationalities within the National Referral Mechanism.³ At the same time, public and political debates surrounding migration and criminality have increased suspicion directed globally towards young male migrants, who are frequently portrayed not

¹ Laura Durán and Leah Davison, 'More Than Words: How Definitions Impact on the UK's Response to Child Trafficking and Exploitation' (ECPAT UK, July 2025) [More-than-Words-ECPAT-UK.pdf](#) accessed 5th July 2026 5

² Anna Forringer-Beal, 'Why the "Ideal Victim" Persists: Queering representations of victimhood in human trafficking discourse' (2022) *Anti-Trafficking Review* 19 87

³ International Organization for Migration, 'Potential victims of trafficking and modern slavery: key findings from IOM data analysis for the first half of 2024' (2024) <https://unitedkingdom.iom.int/news/potential-victims-trafficking-and-modern-slavery-key-findings-iom-data-analysis-first-half-2024> accessed 25th April 2026

as individuals in need of protection, but as potential threats or even ‘a scourge’.⁴ Within such discussions, trafficked boys may thus be viewed first through the lens of immigration control or offending behaviour rather than exploitation.

This raises a broader question: why are some victims readily recognised and protected while others remain overlooked? It is this question that forms the starting point for the present thesis. By examining the experiences of trafficked boys, particularly Vietnamese boys exploited in criminal settings, this thesis explores how socially constructed ideas of the ‘ideal victim’ shape recognition, protection, and access to justice within the United Kingdom's anti-trafficking framework.

0.2 Conceptual Framework: Defining Trafficking and Victimhood

For the purposes of this thesis, a clear conceptual framework is necessary to understand how certain individuals come to be recognised or misrecognised within the United Kingdom's anti-trafficking regime. This section therefore outlines the central concepts underpinning this thesis: ‘human trafficking’ and the notion of the ‘ideal victim’ or the ‘hierarchy of victimhood’.

Human trafficking is most authoritatively defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol)⁵, which describes trafficking as the recruitment, transportation, transfer, harbouring, or receipt of persons for the purpose of exploitation.⁶ This includes, but is not limited to, sexual exploitation, forced labour, slavery or practices similar to slavery, servitude, the removal of organs, and other forms of exploitation. In practice, however, trafficking extends far beyond sexual exploitation, encompassing forms such as domestic servitude, agricultural and construction labour, forced begging, nail bar exploitation, and criminal exploitation, including cannabis cultivation and ‘county lines’ drug distribution. Crucially, where the victim is a child, the requirement to prove coercion or deception is removed, recognising the inherent vulnerability of minors⁷.

Despite this expansive legal definition, dominant discourses on trafficking have historically centred on the sexual exploitation of women and girls, effectively marginalising other victims from public and policy consideration, especially male victims.⁸ Early trafficking debates frequently equated trafficking with sexual exploitation, labelling it as ‘emblematic [to] the human trafficking experience’.⁹ Although scholarship addressing male victims has gradually emerged, male victims remain

⁴ Katy Fallon, ‘Male refugees stigmatised across Europe: “This kind of stuff really hurts”’ (*Al Jazeera*, 11 February 2026) <https://www.aljazeera.com> accessed 10 April 2026.

⁵ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319

⁶ Ibid, article 3(a)

⁷ Ibid, article 3(c)

⁸ Polina Smiragina-Ingelström, ‘Human Trafficking of Men: A Gendered Perspective on Victimhood’ (PhD thesis, Department of Sociology and Social Policy, Faculty of Arts and Social Sciences, University of Sydney, December 2020), 6

⁹ Laura A Hebert, ‘Always Victimized, Never Victims: Engaging Men and Boys in Human Trafficking Scholarship’ (2016) 2(4) *Journal of Human Trafficking* 281, 287, [*Hebert-2016-Engaging-men-and-boys-in-human-trafficking.pdf](#), accessed 23rd May 2026

significantly underrepresented in research, advocacy, and policymaking,¹⁰ often leaving them without adequate recognition and legal status. As such, it is crucial to remember the definition of trafficking extends far beyond sexual exploitation or gender norms.

These patterns can be better understood through the criminological concept of the ‘ideal victim’, or the ‘hierarchy of victimhood’ developed by Nils Christie. Christie explains how some victims are perceived as more deserving of sympathy and support than others. According to Christie, ideal victims are typically seen as weak, morally blameless, and engaged in legitimate activities at the time of harm, with no responsibility for their victimisation and no meaningful connection to the offender.¹¹

This framework highlights how perceptions of victimhood are socially constructed rather than neutral. Cases involving such ‘ideal’ victims tend to attract greater empathy and attention, shaping media coverage, public opinion, and legal responses. As a result, those who do not fit this narrative may be viewed as less credible or less deserving of protection. This narrative has become deeply embedded in policy and public imagination, depicted through the image of a young girl forcibly trafficked into sexual exploitation.¹² Often the concept of the ideal victim also invokes a focus on whiteness, femininity, and innocence.¹³ Advocacy campaigns and media portrayals have further reinforced this narrative, shaping perceptions of who is considered a ‘real’ or ‘deserving’ victim.

Furthermore, Forringer-Beal notes that discussions within the anti-trafficking sector have long been shaped by implicit notions of the ‘good’ victim. This, at times, is made explicit through reference to a victim being ‘worthy’ or ‘deserving’.¹⁴ As such, the ‘ideal victim’ establishes a hierarchy of victimhood that delegitimises those who do not conform to narratives of innocence, passivity, and cooperation. The notion of the ‘ideal victim’ therefore operates as a gatekeeping mechanism: the further an individual departs from this constructed image, the less protection they are likely to receive. A myriad of traits such as gender, type of exploitation, race, immigration status and perceived innocence feed into this hierarchy. Moreover, placing trafficking victims as separate to or in opposition to irregular migrants or criminal networks ignores the complexities of criminal exploitation. Ultimately, the ideal victim construct is damaging not only to those excluded from it, but also to those it purports to represent, as it constrains and distorts lived experiences

These definitions are thus reveal a fundamental tension within anti-trafficking law and practice. While legal frameworks adopt broad and inclusive definitions of trafficking, their application is filtered through socially constructed and hierarchised understandings of victimhood. It is within this gap between legal recognition and social perception that certain victims, particularly trafficked boys, risk systematic misidentification and criminalisation.

0.3 Problem

¹⁰ Polina Smiragina-Ingelström, n8, 6

¹¹ Nils Christie, ‘The Ideal Victim’ in EA Fattah (ed), *From Crime Policy to Victim Policy: Reorienting the Justice System* (Macmillan 1986)

¹² Forringer-Beal, N2

¹³ Forringer-Beal, *ibid*, citing Hoyel and O’Brien

¹⁴ *ibid*

The marginalisation of male victims is particularly evident in cases of boy trafficked for criminal exploitation. In such cases, children are trafficked, controlled and exploited by organised criminal networks, yet can be treated as offenders rather than victims due to the nature of the work they are trafficked to do, such as watering or harvesting cannabis plants. This, as will be explored later in this thesis, is evident in case law, where despite clear guidance on crimes committed by trafficking victims invoking the non-punishment principle under section 45 of the Modern Slavery Act¹⁵, youths are still called before criminal courts.¹⁶ In the presence of morality judgements and gender-based stereotypes, we return to the implied question of legitimacy of victimhood. This raises a fundamental tension at the heart of the United Kingdom's anti-trafficking framework.

This hierarchy of victimhood thus comes with a ranking of deservedness and has significant consequences in the context of human trafficking. The lower one is positioned in the hierarchy, the less worthy one is seen of protection and sympathy. As noted by Dr Smiragina-Ingelström, human trafficking has largely focussed on the sexual exploitation of women and girls, which has led to other victims often being neglected in public discussion, particularly male victims.¹⁷ Moreover, instruments such as the Palermo Protocol¹⁸ and the United Nations Convention on the Rights of the Child¹⁹ establish a protection framework that is, in practice, heavily oriented towards women and girls as the paradigmatic victims of trafficking and exploitation. While the Palermo Protocol is formally gender-neutral in its definition of trafficking, its implementation and associated policy responses have tended to 'especially' ²⁰ prioritise women and children, reinforcing a gendered understanding of victimhood.

Nevertheless, the United Kingdom has a robust legal framework for survivors of trafficking, including the UN Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings which imposes positive obligations, including the obligation to ensure that victims are not punished for unlawful acts committed as a consequence of their exploitation²¹. For child victims, the United Nations Convention on the Rights of the Child is also relevant. Furthermore, the European Convention on Human Rights²² is enforced domestically through the Human Rights Act 1998²³. These commitments are equally reflected in domestic law, most notably through the Modern Slavery Act 2015²⁴ which was the first pieces of legislation in Europe, as well as one of the first in the world, to specifically address slavery and trafficking in the 21st century.²⁵ As such, UK's legislation

¹⁵ Modern Slavery Act 2015, s45

¹⁶ Criminal Cases Review Commission, 'Vietnamese trafficking victim's conviction overturned after first CCRC referral under anti-slavery law' (CCRC, 25 October 2022) <https://ccrc.gov.uk/news/vietnamese-trafficking-victims-conviction-overturned-after-first-ccrc-referral-under-anti-slavery-law/> accessed 2 May 2026

¹⁷ Polina Smiragina-Ingelstrom, n8, 6

¹⁸ N5

¹⁹ United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

²⁰ N5

²¹ Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197, 16 May 2005), Art 26

²² Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights as amended) (ECHR), art 4

²³ Human Rights Act 1998, Introductory Text

²⁴ N15 – **especially article 45 for the non-punishment principle**

²⁵ Home Office, The Rt Hon Karen Bradley MP and The Rt Hon Theresa May, 'Historic law to end Modern Slavery passed' (26 March 2015) <https://www.gov.uk/government/news/historic-law-to-end-modern-slavery-passed> accessed 24th April 2026

has played a leadership role in this field, and thus it is paramount for us to approach it critically to ensure its ongoing success.

Despite this extensive legal architecture, the practical implementation of the framework of protection remains inconsistent. In particular, trafficked boys involved in criminal exploitation, such as cannabis cultivation, risk being treated as offenders within the criminal justice system and put at risk of failed asylum claims. Upon return, these boys face ‘the risk of re-trafficking, reprisals from trafficking gangs, and being shunned by family and community due to stigma’²⁶, inherently putting them in danger back in Vietnam. This reveals a tension at the heart of immigration and anti-trafficking law: while the framework is formally protective, its application is vulnerable to being shaped by underlying assumptions about who counts as a ‘real’ or ‘ideal’ victim.

0.4 Research Purpose, Questions and Methodology:

This thesis seeks to examine the extent to which narratives of the ‘ideal victim’ shape the identification and protection of trafficked unaccompanied boys in the United Kingdom. It argues that these failures cannot be understood solely as gaps in law or procedure. Rather, they are partly rooted in entrenched narratives of the ‘ideal victim’.

Drawing on socio-legal theory, this thesis will discuss the concept of the ideal victim and how it highlights that victimhood is often implicitly constructed along gendered and moral lines, privileging those who are perceived as passive, vulnerable, and innocent. Individuals who fall outside this narrative, particularly boys in criminal exploitation, risk being excluded from protection altogether, despite the law providing a clear non-punishment principle. In this way, a hierarchy of victimhood emerges, shaping not only public perception but also institutional decision-making.

The central research question guiding this study is: to what extent do ‘ideal victim’ narratives influence the identification and protection of trafficked Vietnamese boys in the United Kingdom? This question is addressed through a combination of doctrinal legal analysis and socio-legal study. The thesis examines the relevant international and domestic legal frameworks, alongside key case law. This legal analysis will be complemented by an engagement with theoretical perspectives on the ideal victim and hierarchies of victimhood and will use the criminal exploitation of Vietnamese boys in cannabis cultivation as a case study. Qualitative insights will be drawn from semi-structured interviews with experts, who were selected based on their experience working in anti-trafficking, ideal victim research or direct engagement with Vietnamese cases. Four interviews took place via Zoom between the 28th of April and the 25th of May 2026. The inclusion of practitioner interviews was intended to bridge the gap between legal doctrine and practice, providing empirical insights into how assumptions surrounding victimhood may shape the identification and protection of trafficked boys in real-world contexts.

0.5 Case Study Justification and Scope:

²⁶ Kieran Guilbert, ‘Exclusive: UK found sending home dozens of slavery victims despite re-trafficking fears’ (Reuters, 6 August 2019) <https://www.reuters.com/article/us-britain-slavery-victims-exclusive/exclusive-uk-found-sending-home-dozens-of-slavery-victims-despite-re-trafficking-fears-idUSKCN1UW00L/> accessed 2 May 2026

A particular focus of the thesis is the case study of Vietnamese boys trafficked into cannabis cultivation in the United Kingdom. This group represents a clear example of the ‘ideal victim’ bias in practice: children are compelled into illegal activities yet are treated as offenders in their own right. By analysing patterns within these cases, the thesis demonstrates how the narrow construction of the ‘ideal victim’ can exclude trafficked boys who do not conform to traditional expectations of innocence and vulnerability, contributing to failures in identification, protection, and access to justice.

The selection of Vietnamese boys trafficked into the drug trade is both empirical and conceptually grounded. Firstly, the United Kingdom’s Country Policy has identified victims of trafficking from Vietnam as a particular social group²⁷, indicating the broad prevalence of the issue. Likewise, IOM notes that Vietnamese people have been one of the most common nationalities referred to the United Kingdom’s National Referral Mechanism in the last decade, reaching record highs in the first half of 2024.²⁸ In the first half of 2024, Vietnamese people composed the largest number of recorded small boat arrivals in the United Kingdom, totalling 2,248 instances.²⁹ Furthermore, the trafficking of vulnerable young Vietnamese people to the United Kingdom is on the rise, with cases predominantly involving cannabis production, nail bars and forced prostitution.³⁰ A large number of migrants arriving in small boats are ‘notably young, many just teenagers’³¹, which raises further paramount concerns of child protection.

Additionally, while 74% of Reasonable Grounds decisions in the first half of 2024 were positive for child exploitation referrals, there was significant variation by age.³² Evidence indicates that the likelihood of a positive decision decreases as the age of the child increases. This suggests that age operates as a structuring factor within the hierarchy of victimhood, with younger children more readily perceived as vulnerable and therefore more likely to be recognised as victims. Older minors, by contrast, may be implicitly constructed as more complicit, particularly where criminal activity is involved. As such, there is clear need to explore these cases. Aside from age, Vietnamese boys in these contexts do not conform to dominant narratives of victimhood, which tend to prioritise passive, female, and sexually exploited victims. Their experiences therefore provide a clear lens through which to examine how hierarchies of victimhood operate in practice.

While this thesis focuses on a specific group, its findings are intended to have broader relevance. The case study functions as a strategic example of wider structural dynamics. The patterns identified are likely to extend to other categories of victims who fall outside the ‘ideal victim’

²⁷ Home Office, Country Policy and Information Note: Vietnam: Trafficking (Executive Summary) (February 2025) <https://www.gov.uk/government/publications/vietnam-country-policy-and-information-notes/country-policy-and-information-note-trafficking-vietnam-february-2025-accessible> accessed 25th April 2026

²⁸ N3

²⁹ Jonathan Head, ‘Channel migrants: The real reason so many are fleeing Vietnam’ (BBC News, 6 January 2025) <https://www.bbc.com/news/articles/cy8y3l7e2vjo> accessed 2 May 2026.

³⁰ Anti-Slavery International, ‘Trafficking from Vietnam to the UK’ [Trafficking from Vietnam to the UK - Anti-Slavery International](#), accessed 24th April 2026

³¹ Daniel Boffey, ‘What is the real story behind Vietnamese Channel boat crossings?’ (The Guardian, 26 April 2024) <https://www.theguardian.com/uk-news/2024/apr/26/what-is-the-real-story-behind-vietnamese-channel-boat-crossings> accessed 2 May 2026.

³² N3

framework. While the focus of this study is Vietnamese boys, similar findings may apply to victims from other countries considered trafficking hotspots such as Albania or Nigeria.³³

0.6: Hypothesis and Aims:

The argument advanced is that the misidentification of trafficked boys is significantly influenced by ideal victim narratives, resulting in the inadequate implementation of key legal protections, including the non-punishment principle. While the legal framework itself is robust, its effectiveness is undermined by the persistence of gendered and moral assumptions that shape decision-making processes. It is only by addressing these in-built biases through adequate training and policy-making that we can ensure anti-trafficking law in the United Kingdom functions well in practice, not just on paper.

This thesis seeks to make both an academic and a practical contribution. Academically, it will address an underexplored dimension of trafficking research by focusing on male child victims of criminal exploitation and by integrating legal analysis with socio-legal theory. Practically, it seeks to identify shortcomings in the current system and to propose reforms aimed at improving victim identification, strengthening the application of the non-punishment principle, and promoting a more child-centred and gender-sensitive approach. It also seeks to raise awareness of trafficking beyond sexual exploitation, and to encourage improvement of training provided to key workers in the field.

Chapter 1: The Legal Framework for the Protection of Child Victims of Trafficking in the United Kingdom

1.1 Trafficking as a Distinct Legal Category

Trafficking in human beings constitutes a serious violation of human rights and one of the most severe forms of exploitation recognised under international law. As such, survivors of trafficking require protection that extends beyond traditional criminal justice responses. At the same time, they can face additional risks arising from immigration enforcement, criminal exploitation, and violations of fundamental rights. Recognising these unique characteristics, international law has developed a specialised body of anti-trafficking norms that operate as *lex specialis*. These frameworks establish specific obligations concerning the prevention of trafficking, the identification and protection of victims, and the prosecution of traffickers. At the international level, this shift towards specialised protection is most prominently embodied in the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings.

³³ Kieran Guilbert, 'Exclusive: UK found sending home dozens of slavery victims despite re-trafficking fears' (Reuters, 6 August 2019) <https://www.reuters.com/article/us-britain-slavery-victims-exclusive/exclusive-uk-found-sending-home-dozens-of-slavery-victims-despite-re-trafficking-fears-idUSKCN1UW00L/> accessed 2 May 2026

1.2 International Anti-Trafficking Frameworks (Lex Specialis)

1.2.1 The Palermo Protocol

The Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) was the first legally binding instrument to provide the internationally accepted definition of human trafficking.³⁴ This definition provides a vital tool for the identification of victims, including men, women and children. It defines trafficking as involving the recruitment, transportation, transfer, harbouring, or receipt of individuals through the use of coercion, force, abduction, fraud, deception, abuse of power, or exploitation of vulnerability, or through the giving or receiving of payments or benefits to obtain control over another person. This conduct must be carried out for the purpose of exploitation, which at a minimum includes sexual exploitation, forced labour or services, slavery or slavery-like practices, servitude, or the removal of organs.³⁵

The Protocol seeks to prevent and combat trafficking, protect victims, and promote cooperation among State Parties.³⁶ The United Nations Office on Drugs and Crime monitors the implementation of the protocol and assists countries in its ratification and implementation.³⁷

However, Gallo³⁸ notes that a majority of anti-trafficking efforts initiated after the Palermo Protocol have broadly failed to achieve their core mission and sustain longer-term, positive impact, as evidenced by the ever-increasing number of victims, suggesting a continued need to readdress this area. As Gallo et al argue³⁹, a predominantly criminal justice approach to anti-trafficking responds to the consequences of exploitation through detection and prosecution, while doing little to address the underlying structural conditions that give rise to trafficking in the first place. An emphasis on enforcement and control means that trafficking is often addressed after harm has occurred, rather than through earlier prevention. This has implications for victim recognition, as it encourages institutional responses that prioritise legal categorisation and evidential thresholds over holistic assessments of vulnerability. By contrast, a public health approach offers a broader and more preventative framework, one that is centred on the victim, and focused on understanding risk factors and long-term intervention.

1.2.2 The Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)

The Council of Europe Convention on Action against Trafficking in Human Beings further developed the specialised anti-trafficking framework by placing greater emphasis on victim protection and assistance. The Convention requires States not only to criminalise trafficking but also to adopt a victim-centred approach grounded in identification, protection, and assistance.

³⁴ N5

³⁵ Ibid, art 3

³⁶ Ibid, art 2

³⁷ United Nations Office on Drugs and Crime (UNODC), 'Our Response' (UNODC)

<https://www.unodc.org/unodc/en/human-trafficking/our-response.html> accessed 2nd July 2026

³⁸ Michael Gallo and Hannah Thinyane, 'The Palermo Protocol Turns 20: Failures of the Past and Shifting Paradigms for the Future' (United Nations University, 20 November 2020) <https://unu.edu/macau/news/palermo-protocol-turns-20-failures-past-and-shifting-paradigms-future> accessed 25th April 2026

³⁹ *ibid*

A key feature of this Convention is that compliance with its obligations is monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which evaluates the Member States through country reports. The most recent GRETA evaluation visit to the United Kingdom occurred in December 2024.⁴⁰ The previous report was published in October 2021, and noted that the proportion of male victims referred to the NRM increased over the years, and that Vietnam ranked as one of the most referred nationalities with 887 referrals.⁴¹ Most relevant to this thesis, ‘NGOs and lawyers consulted by GRETA highlighted that officers in charge of criminal law and immigration enforcement frequently fail to identify trafficking victims, and in doing so, prevent in practice the application of section 45 of the MSA’.⁴² This finding directly supports this thesis’s central argument that, despite a robust legal framework recognising victims of trafficking, there remains a persistent gap between formal protection and reality. This is further supported by the most recent evaluation, which highlights that Vietnamese nationals continue to be one of the most referred persons to the NRM.⁴³ Meanwhile, the rate of positive outcomes continues to be higher for UK nationals than foreign nationals⁴⁴, indicating a potential worrying bias.

As such, the Convention’s implementation reveals important limitations. While the Convention adopts a formally inclusive and victim-centred approach, its effectiveness is heavily dependent on the ability of domestic authorities to correctly identify victims in the first place, as well as any potential biases. This creates a critical problem: where individuals are not recognised as victims, they are unable to benefit from the protection of the Convention. In practice, this is likely to disproportionately affect those who do not conform to dominant victim narratives, including boys trafficked for criminal exploitation.

1.3 Child Rights Framework

1.3.1 The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) establishes the international framework governing the protection of children in all areas. Central to the Convention is the principle that the best interests of the child shall be a primary consideration in all actions concerning children.⁴⁵ This principle has particular relevance in trafficking contexts, where children are involved and may further be involved in unlawful activities as a direct consequence of their exploitation. Thus, when responding to acts committed under the influence of their traffickers, the law must prioritise the children’s best interests over other factors.

⁴⁰ GRETA, GRETA’s Fourth Evaluation Visit to the United Kingdom (Council of Europe, 3–11 December 2024) <https://www.coe.int/en/web/anti-human-trafficking/-/greta-s-fourth-evaluation-visit-to-the-united-kingdom> accessed 3 May 2026.

⁴¹ GRETA, Third Evaluation Report on the United Kingdom (Council of Europe 2021) 12 <https://rm.coe.int/greta-third-evaluation-report-on-the-united-kingdom/1680a43b36> accessed 3 May 2026

⁴² *ibid*, 49

⁴³ GRETA, Fourth Evaluation Round Report on the United Kingdom (Council of Europe 2026) <https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/48802b944a> 6

⁴⁴ *Ibid* 46

⁴⁵ N19, art 3

The UNCRC imposes both negative and positive obligations on States. Of particular importance to the present thesis are: Article 19, requiring protection from all forms of violence, abuse, and exploitation; Article 32, addressing economic exploitation; Article 33, regarding protection of children from narcotics, including being used for illicit production and trafficking of such substances Article 35, which specifically obliges States to take measures to prevent the abduction, sale, or trafficking of children; and Article 36, addressing all other forms of exploitation prejudicial to any aspects of the child's welfare.⁴⁶ Also relevant to this thesis is Article 37, which outlines that arrest, detention or imprisonment of a child must only be a measure of last resort and for the shortest period of time.⁴⁷

It is clear that the UNCRC provides an extensive set of articles addressing exploitation of children. However, despite its broad scope, the UNCRC does not provide detailed operational guidance on trafficking, nor does it explicitly address the criminalisation of trafficked children. This can be partially due to the Convention being created in 1989, predating legal instruments relating to trafficking explicitly. While Article 36 offers an umbrella term to capture all forms of exploitation that may arise since the drafting, this alone is not enough given the prevalence of child trafficking. Still, the explicit reference to children exploited in the drug trade is promising. Likewise, detention and arrest as a last resort offers a promising protection especially to boys trafficked for criminal exploitation – if their status as a victim fails, they may still be able to rely on their status as a child.

However, the principle of the best interests of the child is merely a primary concern, not a paramount concern as child welfare is in the UK's Children Act 1989⁴⁸. This means that internationally, the best interest of the child is one of the main factors to take into consideration, but it does not automatically trump all other concerns. In practice, this can contribute to inconsistencies in implementation. While the best interest principle should preclude the prosecution of trafficked minors, its application is often mediated through domestic systems that may prioritise immigration control or criminal justice objectives over child protection. The wording of 'primary' gives room for discretion of the States to do so.

1.4 European Human Rights Framework

Aside from *lex specialis*, the United Kingdom's obligations are informed by broader human rights within the European Convention on Human Rights (ECHR), as incorporated into domestic law through the Human Rights Act 1998.⁴⁹ While the ECHR does not contain a specific provision dedicated solely to trafficking, its guarantees provide a wider human rights framework through which States must prevent exploitation, protect vulnerable individuals, and provide effective remedies.

1.4.1 Article 4 ECHR

While the European Convention on Human Rights does not include an express reference to trafficking, Article 4⁵⁰ does prohibit slavery and forced labour. Furthermore, the European Court of Human Rights

⁴⁶ *ibid*, arts 19, 32, 33, 35, 36

⁴⁷ *Ibid*, art 37

⁴⁸ Children Act 1989, art 1

⁴⁹ N23

⁵⁰ European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) art 4

(ECtHR) in *Rantsev v Cyprus and Russia* noted that trafficking has increased in recent years globally, thus demonstrating a need for measures to combat it.⁵¹

Most notably, a key development in the ECHR framework is the landmark judgement of *V.C.L. and A.N. v United Kingdom*⁵², in which the court directly addressed the relationship between Article 4 and the prosecution of victims and potential victims of trafficking.⁵³ The case concerned two Vietnamese nationals who, as minors, were discovered working as gardeners on a cannabis farm and subsequently prosecuted. Although they later received formal recognition as victims of trafficking, this assessment was not made prior to their prosecution, and the authorities failed to adequately consider indicators of exploitation at the relevant time. The Court held that this amounted to a breach of Article 4, as the State had not fulfilled its obligation to take protective measures once credible signs of trafficking were present. It further concluded that the failure to properly account for their status as trafficked minors undermined the fairness of the proceedings, resulting in a violation of Article 6. This judgment underscores that Article 4 of the Convention imposes positive duties of early identification and protection, requiring authorities to assess trafficking indicators before pursuing prosecution. *V.C.L. and A.N. v United Kingdom* also reveals how, in practice, trafficked minors can still be treated as offenders despite clear signs of exploitation.

1.5 Domestic Implementation in the United Kingdom

1.5.1 Modern Slavery Act 2015

As of 2015, the Modern Slavery Act⁵⁴ constitutes the central domestic framework against trafficking and modern slavery in the United Kingdom. It was the first of its kind in Europe, as well as one of the first in the world, to specifically address slavery and trafficking in the 21st century.⁵⁵ The Act consolidated previously fragmented offences into a single legislative instrument, including slavery, servitude, and forced or compulsory labour, alongside specific offences relating to human trafficking.⁵⁶ Under the Act, human trafficking is defined as a person arranging or facilitating the travel of another person for exploitation, with section 2(2) clarifying that it is irrelevant whether the victim consents to travel.⁵⁷

Prior to the enactment of the Modern Slavery Act, UK responses to trafficking-related offences were managed through a patchwork of legislation that was not designed to address trafficking as a distinct phenomenon. These included provisions under the Sexual Offences Act 1956, which criminalised offences such as ‘causing the prostitution of women,’ as well as general criminal law offences such as assault or false imprisonment where exploitation could be inferred. In cases involving irregular movement where evidential thresholds were not met, authorities often relied on immigration

⁵¹ *Rantsev v Cyprus and Russia* (App no 25965/04) (ECtHR, 7 January 2010) paras 277–278.

⁵² *V.C.L. and A.N. v United Kingdom* (Apps nos 77587/12 and 74603/12) (ECtHR, 16 February 2021)

⁵³ European Court of Human Rights, Factsheet: Trafficking in Human Beings (February 2024), 5

⁵⁴ Modern Slavery Act 2015

⁵⁵ N25

⁵⁶ Home Office, Modern Slavery Act 2015 (10 June 2014) <https://www.gov.uk/government/collections/modern-slavery-bill> accessed 9th May 2026

⁵⁷ N15, section 2

offences under the Immigration Act 1971, which addressed the facilitation of illegal entry into the UK. Eventually, the Asylum and Immigration Act 2004 introduced a limited offence relating to trafficking for forced labour, although its scope remained narrow and insufficiently developed.⁵⁸

Furthermore, the evolution of UK anti-trafficking law has been significantly shaped by broader political and moral developments. As Broad and Turnbull note, sustained campaigning by organisations such as Anti-Slavery International and Liberty contributed to the introduction of a standalone offence of slavery, servitude and forced labour in the Coroners and Justice Act 2009, reflecting a gradual consolidation of trafficking within domestic criminal law.⁵⁹ However, this also highlights that policymaking during this period was shaped by an understanding of trafficking that was divided between sexual exploitation and labour exploitation, with policy attention predominantly focused on the former.⁶⁰

The introduction of the Modern Slavery Act 2015 marked the most crucial expansion of this legal framework, with the concept of “modern slavery” encompassing a broader range of exploitative practices. A Home Office review identified up to 17 forms of exploitation, including not only sexual and labour exploitation but also the movement of individuals for criminal activities such as drug production.⁶¹ However, this expansion also reflects a broader policy tendency to frame trafficking within a criminal justice paradigm.

Adding to the above shortcomings, a key criticism of the Act is that it was shaped by top-down decision-making processes and did not adequately engage with affected communities, who were the subject of the protection.⁶² This exclusion of lived experiences in decision-making is a fundamental flaw of the Act, and especially troubling when noting the instrument’s pioneering influence.

Despite its ambition, the effectiveness of the Modern Slavery Act has since been subject to sustained criticism. The House of Lords Select Committee has noted that while the Act was initially considered ‘world-leading,’ developments in best practice have since exposed significant shortcomings in its operation.⁶³ Notably, concerns have been raised regarding enforcement, as only 1.8% of National Referral Mechanism referrals resulted in prosecution. This raises questions about the Act’s ability to deliver meaningful accountability.⁶⁴ Since modern slavery is a hidden crime, investigations are most often incredibly complex. Nevertheless, the Committee noted that there are known ways to improve investigations, such as improving evidence gathering, and developing a sharper strategic approach.⁶⁵

⁵⁸ Rose Broad and Nick Turnbull, ‘From Human Trafficking to Modern Slavery: The Development of Anti-Trafficking Policy in the UK’ (2019) 25(2) *European Journal on Criminal Policy and Research* 119 <https://doi.org/10.1007/s10610-018-9375-4>, 123

⁵⁹ Broad and Turnbull, *ibid*

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, 126

⁶² *Ibid.*, 130

⁶³ House of Lords Select Committee on the Modern Slavery Act 2015, *The Modern Slavery Act 2015: becoming world-leading again* (HL Paper 8, Session 2024–25, 16 October 2024) <https://publications.parliament.uk/pa/ld5901/ldselect/ldmodslav/8/8.pdf> accessed 10 May 2026

⁶⁴ *Ibid.*, 3

⁶⁵ *Ibid.*, 3

More recent critiques have also focused on the intersection between modern slavery law and immigration enforcement. Legal commentary highlights that recent immigration legislation has amplified a ‘hostile environment’ that risks undermining victim protection.⁶⁶ In practice, this means that trafficking victims increasingly risk being miscategorised simply as irregular migrants. As such, the House of Lords Select Committee recommended that the distinction between trafficked persons and voluntary migrants should lie at the heart of future policy.⁶⁷ Although the Government has formally acknowledged this distinction and relocated the modern slavery portfolio under the Minister for Safeguarding and Violence Against Women and Girls, concerns remain regarding the practical impact of immigration policy on victim identification and support.⁶⁸ This tension is central to understanding the domestic application of trafficking law, particularly where victims do not conform to dominant expectations of vulnerability.

1.5.2 National Referral Mechanism

The National Referral Mechanism (NRM) was introduced under the Modern Slavery Act framework as the United Kingdom’s primary system for identifying and supporting potential victims of trafficking and modern slavery.⁶⁹ The NRM’s main role is to provide a formalised referral and decision-making process to ensure that victims receive appropriate support. Under the system, designated ‘first responder organisations’ are responsible for identifying potential victims and referring them into the NRM. These include the police forces, local authorities, UK Visas and Immigration, Border Force, the National Crime Agency, and a range of specified non-governmental organisations.⁷⁰ First responders are required to identify indicators of modern slavery, gather relevant information, and submit referrals to the competent authority, as such providing adequate training is crucial to make their work effective.

Once a referral is made, the authority issues a two-stage decision process. First, a ‘Reasonable Grounds’ decision must generally be made within five working days, determining whether there are reasonable grounds to believe the individual is a victim of trafficking. If positive, the individual is entitled to support during a recovery and reflection period, pending a final ‘Conclusive Grounds’ decision.⁷¹ Most importantly, where the potential victim is a child, referral into the NRM is mandatory, and consent of the victim is not required.⁷² Children must first be safeguarded before being referred into the system, reflecting their heightened vulnerability.

Despite this detailed framework, significant challenges have been identified. The House of Lords Select Committee has highlighted persistent issues relating to capacity constraints among first

⁶⁶ Charles Russell Speechlys, ‘A Critical Reassessment of the Modern Slavery Act from the House of Lords’ (16 January 2025) [<https://www.charlesrussellspeechlys.com/en/insights/expert-insights/corporate/2025/a-critical-reassessment-of-the-modern-slavery-act-from-the-house-of-lords/>], accessed 10th May 2026

⁶⁷ *ibid*

⁶⁸ *ibid*

⁶⁹ Home Office, ‘Guidance: National Referral Mechanism for Potential Adult Victims of Modern Slavery (England and Wales)’ (updated 7 April 2026) <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales> accessed 10 May 2026

⁷⁰ *ibid*

⁷¹ *ibid*

⁷² *ibid*

responder organisations, inconsistent understanding of their statutory role, and delays in decision-making processes.⁷³ The Committee also identified structural inequalities in decision-making outcomes. For example, evidence suggested that foreign nationals may receive less favourable outcomes compared to UK nationals, and that evidential expectations may disadvantage individuals who lack documentation or ‘paper trails’ of exploitation.⁷⁴ Such disparities raise important questions about the consistency and fairness of victim identification. Without consistency and certainty, a law can be said to fail in its protection and application.

Taken together, the NRM represents a crucial but structurally strained mechanism within the UK’s anti-trafficking framework. While it provides an essential route for victim identification and support, its effectiveness is heavily dependent on frontline interpretation of vulnerability and exploitation. As a result, individuals who do not conform to dominant expectations of victimhood risk delayed recognition or misidentification, reinforcing the broader hierarchy of victimhood that this thesis seeks to interrogate.

1.5.3 The Non-Punishment Principle

A central protection within international anti-trafficking law, and arguably the most crucial provision for this thesis, is the non-punishment principle, which recognises that victims of trafficking may become involved in unlawful conduct as a direct consequence of their exploitation. This principle prioritises protection and rehabilitation of victims.⁷⁵ As such, the principle exists to ensure that some trafficked persons are recognised as victims whose criminality is inseparable from the coercion, abuse, or control exercised by their traffickers. The principle, therefore, seeks to protect victims from being unlawfully penalised for offences that they were compelled to commit. Some of the most common examples of victims’ criminal conduct are involvement in the sex trade, drug production, petty crime, possession or the use of fraudulent documents or not complying with a country’s immigration laws.⁷⁶

The principle was established for a myriad of reasons, such as encouraging victims to report the harm they suffered without a fear of being arrested themselves and ensuring victims can have immediate access to the support and services they need.⁷⁷ Likewise, the principle ensures that victims are not punished for conduct they would not have otherwise committed, nor for the conduct of their traffickers.⁷⁸ To best ensure these goals, the non-punishment principle can be used to cover a broad range of unlawful acts, as well as potentially non-criminal processes such as immigration or administrative proceedings.⁷⁹ This seeks to ensure a well-rounded protection of victims in order to ensure their needs are put first, rather than being conditional to their conduct.

⁷³ House of Lords Select Committee, n63, 69

⁷⁴ *ibid*, 278

⁷⁵ Alicia Heys and Maayan Niezna, *The Non-Punishment Principle and its Implementation in the UK: Proceedings from ‘Different Perspectives on the Non-Punishment Principle’ Workshop, University of Oxford, October 2023 (Bonavero Report No 1/2024, Bonavero Institute of Human Rights 2024)* 4

⁷⁶ Inter-Agency Coordination Group against Trafficking in Persons (ICAT), *Non-Punishment of Victims of Trafficking (Issue Brief No 8, 2020)* 1

⁷⁷ *Ibid*, 1

⁷⁸ *ibid*

⁷⁹ *Ibid*, 3

The principle is particularly important in cases of trafficking for criminal exploitation. Victims within our case study may be forced to cultivate cannabis, transport drugs, commit theft, use false identity documents, or breach immigration laws. In such circumstances, criminal conduct is often a mechanism through which traffickers maintain control through fear of prosecution and facilitate their operations. Failure to recognise this connection can result in victims being prosecuted while traffickers remain unidentified.

The United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking provide that trafficked persons should not be prosecuted for violations of immigration laws or activities they are involved in as a consequence of being trafficked.⁸⁰ Furthermore, the United Nations Guidelines provide that legislation must prevent trafficking victims from being prosecuted, detained or punished for the illegality of their entry or residence, as well as for the activities they were involved in as a direct consequence of their situation.⁸¹

Departing from soft law, the principle is most significantly conveyed in article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings.⁸² This means that State Parties, such as the United Kingdom, must provide for the possibility of not imposing penalties on victims to the extent that they have been compelled to be involved in unlawful activities. Drawing attention to the language used, ‘possibility of not imposing’ and ‘in accordance with the basic principles of its legal system’ within Article 26 provide the parties some discretion as to the extent to which the principle can be applied in their jurisdiction. As such, the non-punishment principle at the international level has generated varied and intermittent national action, with many States not specifically implementing the principle.⁸³

Within England and Wales, the principle is contained in section 45 of the Modern Slavery Act.⁸⁴ Adult victims⁸⁵ are not criminally liable where they committed the offence because they were compelled to do so, the compulsion was attributable to slavery or trafficking, and a reasonable person in the same circumstances would have had no realistic alternative. For victims who are minors⁸⁶, the threshold is lower: they need only show that the offence was a direct consequence of their exploitation and that a reasonable child in the same situation would have acted similarly. However, the protection does not apply to offences listed in Schedule 4.⁸⁷ These include homicide offences, serious violence, kidnapping, terrorism offences, serious sexual offences, firearms offences, torture, child cruelty, human trafficking and modern slavery offences, and other crimes involving significant harm to individuals or national security.⁸⁸

Drawing again on the language within domestic legislation, one may question the application of the reasonable person test. Adding the qualification of assessing the reasonableness of a child

⁸⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), Recommended Principles and Guidelines on Human Rights and Human Trafficking, Principle 7, Guideline 2(5)

⁸¹ *ibid*, Guideline 4(5)

⁸² N21, art 26

⁸³ Inter-Agency Coordination Group against Trafficking in Persons (ICAT), n76, 2

⁸⁴ N15 s45

⁸⁵ *Ibid*, s45(1)

⁸⁶ *Ibid*, s45(4)

⁸⁷ *Ibid*, s45(7)

⁸⁸ *Ibid*, Schedule 4

committing an offence through reference to another child in their circumstances undermines the protection of each specific child. It risks generalising the application, and gives way to characteristics such as age, perceived physical strength, gender and social factors influencing a child's access to protection. Likewise, children who may physically look the same may still respond to threats and coercion differently, thus the reasonableness test here may undermine protection.

A further drawback seems to be a lack of knowledge. Law enforcement officials seem to remain unaware or insufficiently informed about the non-punishment principle.⁸⁹ Furthermore, attention is frequently directed towards the nature and seriousness of the offence itself rather than the coercive circumstances that led the victim to commit it. This is particularly problematic because offences commonly associated with trafficking, such as drug-related crimes and immigration offences, are often prioritised for prosecution, making it more difficult for authorities to recognise and apply the non-punishment principle.⁹⁰

Additionally, Heys and Niezna note that there is scepticism towards the application of the non-punishment principle within the UK. The practical operation of section 45 remains poorly understood due to the absence of systematic data collection. There is no publicly available information on the frequency with which the defence is raised, who invokes it, the characteristics of defendants relying upon it, or its success rates⁹¹. Nevertheless, despite this evidential gap, assertions persist that the provision is routinely exploited by offenders seeking to evade criminal liability.⁹² This implicitly suggests that the application of the non-punishment principle is linked to notions of how much someone deserves to be protected, thus limiting its application.

This can be illustrated by Heys and Niezna's workshop participants who highlighted that victims who are treated primarily as offenders often experience significant harm through their interaction with the criminal justice system.⁹³ This is particularly concerning given that trafficking victims frequently have histories of childhood trauma and adverse childhood experiences that increase their vulnerability to exploitation. Participants further noted that these vulnerabilities disproportionately affect certain groups, such as young racialised men exploited through county lines operations.⁹⁴ As such, participants emphasised the need for a more victim-centred and trauma-informed approach within criminal proceedings, suggesting trauma-informed, multi-agency practices that involve also the health sector.⁹⁵

The Bonavero Institute of Human Rights workshop further highlighted a growing structural concern regarding the framing of modern slavery within a wider 'immigration crime' agenda.⁹⁶ Participants highlighted policy developments such as the New Plan for Immigration, the embedding of modern slavery provisions within the Nationality and Borders Act, and measures under the Illegal Migration Act as evidence of trafficking responses and migration control objectives being increasingly

⁸⁹ Alicia Heys and Maayan Niezna, n75, 5

⁹⁰ *ibid*

⁹¹ *Ibid*, 6

⁹² *Ibid*, 7

⁹³ Alicia Heys and Maayan Niezna, n75, 8

⁹⁴ *Ibid*, 8

⁹⁵ *Ibid*, 8

⁹⁶ *Ibid*, 10

merged.⁹⁷ This shift risks the possibility that individuals who satisfy the definitional criteria of trafficking victims may nonetheless be excluded from protection on public order or migration management grounds. As such, changes in immigration policy can significantly undermine protection for victims who fall within the cross section of asylum and anti-trafficking law, such as the cases of Vietnamese boys studied in this thesis.

Additionally, as discussed above, the principle was developed to ensure victims have access to the support they need. As such, it is crucial that the non-punishment principle is applied correctly and gaps in practitioner knowledge are addressed. Since access to the protection depends heavily on first being identified as a victim, training to support early victim identification is critical, as well as referring victims to services that are appropriate for their specific physical, psychological and social recovery.⁹⁸ It is important to note that the non-punishment principle is grounded in a rights-based framework and must, therefore, be applied in a non-discriminatory fashion and in a manner that is gender and age responsive.⁹⁹ It must recognise the particular needs and circumstances of each specific victim.¹⁰⁰

Effective implementation of the non-punishment principle therefore extends beyond simple protection from prosecution but rather requires timely access to support services and referral mechanisms. Early identification is essential both to potentially preventing criminalisation and to ensuring access to appropriate assistance through the National Referral Mechanism. Failures to investigate whether criminal behaviour was connected to trafficking can result in victims being arrested, charged, prosecuted, and convicted before their status as trafficking victims is recognised. These failures undermine the protective purpose of anti-trafficking legislation and may discourage victims from seeking assistance or cooperating with authorities. As a result, victims who are legally and internationally entitled to protection may fall under the radar due to fear and protections being de facto out of their reach. This undermines both the human rights objectives of anti-trafficking law and the broader goal of holding traffickers accountable and ensuring victims have access to the support they need. Without addressing the limitations of the current application of the principle, the United Kingdom is protecting victims only symbolically, and failing them in reality.

1.5.4 Child Victim Identification

Finally, given that children are recognised as requiring heightened protection due to their inherent vulnerability, accurate identification of child victims of trafficking is essential to ensuring access to the specialised safeguards provided by the UNCRC and child protection systems. Without recognition as a victim, children who have experienced exploitation risk being excluded from these protective mechanisms and may instead be treated through criminal justice or immigration frameworks.

There are significant problems in identifying child victims, gaps in safeguarding legislation, and inconsistencies in local authority support for children within the system.¹⁰¹ This is particularly relevant in the context of trafficked children, especially those who are the subject of the present thesis, as

⁹⁷ Ibid, 10

⁹⁸ Inter-Agency Coordination Group against Trafficking in Persons (ICAT), n76, 5

⁹⁹ Ibid, 5

¹⁰⁰ Ibid, 5

¹⁰¹ N63 68

failures in identification directly affect access to statutory protection mechanisms, including the non-punishment principle.

The identification of child victims also presents particular challenges, due to the complex nature of trafficking and the methods used by traffickers to maintain control. As will be discussed in later chapters, children may not self-identify as victims, particularly where exploitation has been normalised, where they fear authorities, or where they have been manipulated into believing that they are responsible for their circumstances.

Furthermore, age assessments are difficult to carry out accurately. While courts have recognised that age is notoriously difficult to assess through appearance and demeanour alone, they have accepted that age assessments based on physical appearance and demeanour may be permissible where an individual is clearly an adult, for example, where it is apparent that the person is over eighteen.¹⁰² However, reliance on such indicators remains problematic where individuals may appear older than their actual age, as this risks excluding children from the enhanced protections to which they are entitled. Children who appear older, demonstrate independence, or are involved in offending behaviour may be perceived as less deserving of protection, despite meeting the legal definition of trafficking victims.

1.6 Chapter Conclusion

This chapter has demonstrated that the United Kingdom operates within a comprehensive legal framework designed to protect child victims of trafficking. International instruments, including the Palermo Protocol and ECAT, establish trafficking as a distinct form of exploitation requiring specialised protections, while the UNCRC and ECHR provide broader obligations relating to child protection and fundamental rights. Domestically, the Modern Slavery Act 2015 and the National Referral Mechanism, as well as the non-punishment principle provide mechanisms intended to translate these obligations into practice.

However, the existence of a comprehensive legal framework does not necessarily guarantee effective protection. Across each level of regulation, implementation depends upon the ability of authorities to correctly identify individuals as victims and to recognise exploitation where it does not conform to traditional understandings of victimhood. For trafficked boys involved in criminal exploitation, this creates particular challenges, as their apparent participation in criminal activity may obscure their underlying exploitation.

Chapter 2: Vietnamese Boys in Cannabis Cultivation

Having established the international and domestic legal framework governing child trafficking in Chapter 1, this chapter turns to the experiences of Vietnamese boys trafficked into the United Kingdom

¹⁰² Home Office, 'Assessing Age' (UK Visas and Immigration, 30 June 2026) <https://www.gov.uk/government/publications/assessing-age-instruction/assessing-age> accessed 2nd July 2026

for the purpose of cannabis cultivation. This group provides a particularly valuable case study through which to examine the practical operation of anti-trafficking protections, as they occupy a uniquely precarious position at the intersection of victimhood and criminality. Controlled through debt bondage, coercion, and exploitation, these children are often compelled to participate in criminal activity while simultaneously qualifying as victims of trafficking. Their experiences expose the persistent gap between the protections promised by anti-trafficking frameworks and the realities of victim identification and safeguarding in practice. Despite clear indicators of exploitation, Vietnamese boys risk being treated as offenders or irregular migrants by police, prosecutors, and immigration authorities, resulting in detention, deportation, and heightened vulnerability to re-trafficking. As one of the most prominent and extensively documented examples of child criminal exploitation in the United Kingdom, the trafficking of Vietnamese boys into cannabis cultivation provides a powerful lens through which to examine the broader tensions between victimhood and offending that underpin this thesis.

2.1 Vietnamese Child Trafficking to the United Kingdom

Although trafficking discourse has historically centred on sexual exploitation, cannabis cultivation has emerged as one of the most prevalent forms of criminal exploitation in the United Kingdom. The National Crime Agency has identified cannabis cultivation as one of the most common forms of criminal exploitation in the United Kingdom, second only to coerced drug distribution.¹⁰³ Yet the prevalence of this form of exploitation has not translated into clarity of legal status. Vietnamese boys' victimhood is often obscured by the very criminal activity their exploitation entails.

The prominence of Vietnamese nationals within trafficking statistics is well established. According to Home Office data, 991 Vietnamese nationals were referred to the National Referral Mechanism during 2023, making Vietnam one of the most represented source countries for trafficking referrals within the United Kingdom.¹⁰⁴ Most worryingly, just under a third of these referrals concerned children.¹⁰⁵ Consequently, it is no surprise that Vietnamese migrants have been recognised by UK authorities as particularly vulnerable to trafficking and exploitation, specifically criminal exploitation in cannabis cultivation operations.¹⁰⁶

It is necessary to examine the broader socio-economic context within Vietnam itself. Trafficking disproportionately affects individuals from poorer communities, ethnic minorities, children, and those seeking opportunities abroad.¹⁰⁷ While trafficking victims traditionally come from impoverished backgrounds, recent evidence points towards an emerging trend of educated young

¹⁰³ Holly Necchi and Tracy Bradford, 'Examining the Exploitation of Vulnerable Migrant Populations and Interventions to Combat Human Trafficking and Modern-Day Slavery within the Illegal UK Cannabis Cultivation Industry' (2025) 9 Journal of Economic Criminology 100175, 1

¹⁰⁴ Home Office, Country Policy and Information Note: Vietnam: Trafficking (Version 6.0, February 2025) [*VNM+CPIN+Victims+of+trafficking.pdf](#) accessed 12th June 2026, 15

¹⁰⁵ Ibid, 15

¹⁰⁶ Ibid, 18

¹⁰⁷ Ibid, 7

people and recent graduates becoming vulnerable to deceptive recruitment practices.¹⁰⁸ The common factor across these groups is the hope for a better future and improved living conditions.

Accordingly, trafficking into the UK may begin with a voluntary decision to migrate. The Home Office notes that most labour trafficking originates from an initial choice to seek employment abroad.¹⁰⁹ This in turn complicates the approach to victimhood, as such individuals are seen as ‘illegal’ migrants as opposed to victims of deception and eventual trafficking. However, presumed agency at the recruitment stage does not negate the coercion, exploitation, and abuse subsequently experienced. Traffickers frequently exploit precisely these aspirations for economic advancement, and while victims may consent to being smuggled, they do not consent to the conditions of criminal exploitation awaiting them.

2.1.1 Trafficking Routes and Recruitment Methods

The recruitment and transportation of Vietnamese children to the United Kingdom comes in the form of highly organised transnational trafficking networks. Home Office research indicates that recruitment most commonly occurs in person within Vietnam through being approached by recruiters or responding to deceptive online adverts, as well as having family approach an agent in the hope of a better life overseas for their child.¹¹⁰ Recruitment methods vary considerably. Some victims actively seek opportunities abroad and approach recruiters themselves¹¹¹, while other are approached by traffickers who offer seemingly legitimate work opportunities but conceal the true nature of the work. More coercive recruitment methods have also been documented, including abduction and kidnapping.¹¹²

These recruitment practices illustrate a recurring pattern of deception. Victims and their families frequently believe they are entering into arrangements for lawful employment abroad. Upon arrival, however, many are instead forced into criminal exploitation within cannabis cultivation operations. The exploitation is therefore inherently deceptive, as consent obtained based on false information cannot extend to the conditions and activities ultimately imposed upon the child. As such, any presumed agency in these situations is undermined. The Home Office has similarly observed that traffickers increasingly lure Vietnamese nationals with false promises of employment opportunities overseas, and that while most trafficking begins with a choice to migrate for work, migrant workers cannot demand better working conditions or control their migration journeys.¹¹³

Following recruitment, transportation to the United Kingdom typically involves complicated journeys with multiple stages. Cooper et al found that travel commonly proceeds overland through several countries, including China and Russia, before eventually reaching Western Europe.¹¹⁴ Victims

¹⁰⁸ Ibid, 15

¹⁰⁹ Ibid, 18

¹¹⁰ Charlotte Cooper, Olivia Hesketh, Nicola Ellis and Claire Fair, A Typology of Modern Slavery Offences in the UK (Home Office Research Report 93, 2017), 37

¹¹¹ Ibid, 37

¹¹² Ibid, 37

¹¹³ N104, 18

¹¹⁴ N110, 38

may travel by plane, vehicle, foot, and clandestine transport methods. Entry into the United Kingdom frequently occurs through smuggling via lorries or other forms of irregular migration.¹¹⁵ These journeys are often long, dangerous, and exploitative in themselves. Victims may experience labour exploitation during transit and are frequently exposed to violence, threats, surveillance, and coercion long before reaching their final destination.¹¹⁶ The risks associated with these irregular migration routes were profoundly illustrated in the 2019 Essex lorry tragedy, in which 39 Vietnamese nationals died whilst being smuggled into the United Kingdom.¹¹⁷

The complexity of these trafficking routes reduces the likelihood of detection by immigration authorities, as well as increasing the traffickers' control over victims due to reliance. Such precarious journeys increase victims' dependence upon criminal networks, and result in them accepting the restrictive conditions out of fear of being caught. By the time children arrive in the United Kingdom, they are often isolated, unfamiliar with their surroundings, unable to communicate in English, and entirely reliant upon those facilitating their movement. During interviews conducted, Participant 1¹¹⁸ observed that victims' lack of English abilities is exploited by traffickers, who become their only point of contact in this foreign country. As a result, many of the participant's clients were suspected to retain contact with their traffickers. Likewise, the participant spoke of situations where boys are largely isolated from the rest of the world apart from their traffickers and perhaps one other victim. This illustrates how quickly traffickers can build a relationship of dependence with the victims.

2.1.2 Debt Bondage and Family Expectations

Debt bondage represents one of the most significant factors seen in the cases of Vietnamese victims and serves as both a method of recruitment and a continuing mechanism of control throughout the exploitation process. Debt bondage occurs when an individual is forced to provide labour to repay a debt, often under conditions where repayment is practically impossible and continues to increase upon arrival.¹¹⁹ As the debt continues to increase despite hours worked, the victim of the debt bondage is trapped indefinitely.

Debt bondage is particularly prevalent among Vietnamese trafficking victims. The costs associated with migration to Europe alone typically range between £8,000 and £32,000.¹²⁰ Families frequently borrow these funds from relatives or moneylenders, often using property as collateral and placing themselves in further vulnerability.¹²¹ This indebtedness creates powerful incentives for migration as families view overseas employment as their only realistic opportunity to improve their economic circumstances. However, once migration has occurred, the debt itself becomes a mechanism of coercion and continues to rise. Smugglers frequently impose interest charges, causing debts to

¹¹⁵ Ibid, 38

¹¹⁶ Ibid, 38

¹¹⁷ N104, 17

¹¹⁸ Participant 1, interviewed by author, 28th April 2026

¹¹⁹ N103, 4

¹²⁰ N104, 21

¹²¹ Ibid, 20-21

increase rapidly.¹²² Where family members remain responsible for repayment within Vietnam, traffickers can threaten relatives as a means of controlling victims abroad.¹²³

Family expectations further intensify this dynamic. Migration is often seen as a collective family investment rather than an individual decision. Families may borrow substantial sums in the expectation that their child will secure employment abroad and subsequently provide financial support. The significance of these expectations was highlighted by several interview participants, who emphasised the particular pressures experienced by male victims. Participant 4¹²⁴ explained that Vietnamese boys often struggle to disclose their exploitation or seek assistance because migration is closely tied to expectations of masculine success and familial provision. Coming from patriarchal social contexts in which young men are frequently expected to contribute to household welfare, many boys perceive their inability to fulfil these expectations as a personal failure rather than a consequence of exploitation. Where families have incurred significant debt to finance migration, the pressure to remain and generate income may become even more acute. In this context, debt bondage operates also as a form of psychological coercion, binding victims through shame, loyalty, and a sense of responsibility towards their families. This layered form of coercion is particularly significant when assessing the apparent voluntariness of participation in criminal activities such as cannabis cultivation, as social and emotional pressures constrain meaningful choice.

2.2 Criminal Exploitation Through Cannabis Cultivation

2.2.1 The Nature of Cannabis Farm Exploitation

Cannabis cultivation has become one of the most prominent forms of criminal exploitation involving Vietnamese children within the United Kingdom. The expansion of domestic cannabis production has increased demand for vulnerable labour capable of operating within hidden cultivation sites.¹²⁵ Furthermore, the Home Office identified forced labour in illegal activities as a distinct trafficking category, with cannabis cultivation in urban private residences representing the most common example.¹²⁶ Significantly, the study found that within criminal exploitation almost all the victims were Vietnamese and that a large majority were children¹²⁷, thus pointing to the importance of this case study.

Cannabis farms are typically located within private residential properties adapted for large-scale cultivation. Traffickers frequently rent properties specifically for cultivation purposes and may pay

¹²² Ibid, 21

¹²³ Home Office, 'Country Policy and Information Note: Vietnam – Fear of Illegal Moneylenders' (Version 3.0, February 2025) 19

¹²⁴ Participant 4, interviewed by author, 25th May 2026

¹²⁵ N103, 1

¹²⁶ N110 37

¹²⁷ Ibid, 37

inflated rents in order for the landlord to turn a blind eye on the activities occurring on the property.¹²⁸ As such, these arrangements enable criminal groups to rapidly relocate operations when detected.

Victims are generally placed within these properties and instructed to maintain cannabis plants. Their tasks commonly include watering plants, monitoring growing conditions, harvesting crops, and protecting premises from rival criminal groups.¹²⁹ They frequently operate alone or alongside one or two other victims, limiting opportunities for contact with the outside world and reducing the likelihood of disclosure. Participant 1¹³⁰ explained that boys are often provided with accommodation in exchange for carrying out these activities, creating a relationship of dependence where access to basic necessities is conditional upon continued participation in the criminal acts. In such circumstances, accommodation functions as a means of control, binding victims to the premises and those exploiting them. This dynamic demonstrates how positions of vulnerability may be exploited to secure compliance without the need for overt physical force.

The perception of a boy involved in cannabis cultivation as an autonomous criminal actor is therefore profoundly misleading. In reality, most individuals found within cultivation sites exercise little or no control over the operation, receive no meaningful financial benefit, and remain subject to extensive coercion. Ramiz, Rock and Strang describe typical growers as minors who speak little or no English, possess no identity documents, are malnourished, and are frequently locked inside cultivation premises.¹³¹ Such characteristics are fundamentally inconsistent with traditional conceptions of organised criminal participation, yet still do not act as enough to prevent the ideal victim bias.

2.2.2 Living and Working Conditions

The living and working conditions experienced by trafficked Vietnamese children within cannabis farms are most often dangerous and degrading. Victims are commonly confined within cultivation sites and subjected to surveillance and severe restrictions upon their movement.¹³² Accommodation often consists of makeshift sleeping arrangements within properties primarily designed for cannabis production rather than human habitation and food deprivation appears common. Necchi and Bradford document cases in which victims are deprived of food, mistreated and subjected to physical trauma.¹³³ The physical environment itself presents health risks as cannabis cultivation operations rely upon extensive artificial lighting, heating systems, electrical modifications, and chemical substances. Victims may experience constant exposure to heat, bright light, toxic fumes, and inadequate ventilation, which results in serious health complications such as chronic respiratory conditions and musculoskeletal

¹²⁸ N103, 5

¹²⁹ Ibid, 5

¹³⁰ Participant 1, N118

¹³¹ Adam Ramiz, Paul Rock and Heather Strang, 'Detecting Modern Slavery on Cannabis Farms: The Challenges of Evidence' (2020) 4 Cambridge Journal of Evidence-Based Policing 202, 204

¹³² N110 38

¹³³ N103, 5

injuries.¹³⁴ Illegal rewiring of electricity supplies is particularly common and creates serious risks of electrocution and fire.¹³⁵ There may also be traps present which are designed to deter rival gangs, thus exposing workers to additional danger and injuries.¹³⁶ In 2011, a Vietnamese national tragically died whilst attempting to escape a cannabis factory after an attack by rival criminal groups, meaning the risks are severe.¹³⁷

2.2.3 Mechanisms of Control and Coercion

Traffickers employ a range of coercive mechanisms to maintain control over victims. Victims may be subjected to physical abuse, restraint, and intimidation¹³⁸, and are also coached on what to say to authorities upon capture¹³⁹. However, traffickers increasingly have been relying on more subtle methods of control. As mentioned above, debt bondage constitutes one of the most important mechanisms of coercion. Likewise, victims may have passports and identity documents removed upon arrival, limiting their ability to seek assistance or leave exploitative situations.¹⁴⁰

The control exercised over victims extends beyond the physical conditions of cannabis cultivation and into the psychological domain, particularly in shaping their relationship with state authorities. Victims are often encouraged to distrust authorities and may be told that disclosure will result in imprisonment or deportation.¹⁴¹ This tactic is especially effective because it exploits pre-existing fears and experiences. Several practitioners interviewed for this research identified mistrust of authority as one of the most significant barriers to supporting Vietnamese child victims. Participant 1¹⁴² described building trust with clients as a primary professional challenge, while Participant 4¹⁴³ explained that many boys have prior experiences of institutionalisation or state intervention that led them to perceive offers of support as potential threats rather than sources of protection. For children whose interactions with authority have often been characterised by punishment or uncertainty, avoidance of official systems may represent a rational response to their circumstances.

Victims who decline support, disengage from safeguarding processes, or provide inconsistent accounts may be perceived as uncooperative or lacking credibility. Yet these behaviours are often better understood as manifestations of trauma, fear, and trafficker-induced distrust. Consequently, the psychological effects of trafficking can undermine the legal recognition of trafficking itself. Rather than being treated as potential indicators of exploitation, refusals of support may instead be relied upon to question a victim's claim. This creates a troubling paradox within identification processes, whereby

¹³⁴ Ibid, 5-6

¹³⁵ Ibid, 6

¹³⁶ Ibid, 6

¹³⁷ Ibid, 6

¹³⁸ Ibid, 4

¹³⁹ N103, 38

¹⁴⁰ N104, 21

¹⁴¹ N110, 38

¹⁴² Participant 1, N118

¹⁴³ Participant 4, N124

behaviours that arise directly from exploitation can ultimately operate against the victim's ability to obtain protection.

Psychological coercion is also utilised as many victims fear retaliation against family members remaining in Vietnam, especially where outstanding debts exist.¹⁴⁴ Such threats need not be explicit as the mere awareness that family property has been mortgaged or that relatives remain indebted may be sufficient to secure compliance. Victims may remain on site and avoid escape not because they freely choose to participate in criminal activity, but because their choices are constrained by violence, debt, isolation, and fear.

2.3 Applying the Legal Framework

2.3.1 Establishing Victim Status Under International and Domestic Law

On paper, Vietnamese boys trafficked into cannabis cultivation generally fall within the legal definitions of trafficking established by international and domestic law. The recruitment methods discussed earlier involve deception regarding employment opportunities, while transportation commonly occurs through organised transnational routes facilitated by traffickers and smugglers. As discussed above, upon arrival in the United Kingdom, victims are often subjected to debt bondage, deprived of identity documents, confined within cannabis cultivation sites, and required to work under conditions they cannot freely leave. These circumstances demonstrate the combination of recruitment, movement, control and exploitation that anti-trafficking law seeks to address.

The case study of Vietnamese criminal exploitation in cannabis cultivation is particularly significant because it demonstrates that trafficking does not always occur through just overt physical force. Instead, exploitation is frequently strengthened through debt, dependency, isolation and threats against family members. While some may initially consent to irregular migration for work, that consent becomes largely meaningless once they are subjected to deception and coercive control. Focusing exclusively on whether a child agreed to travel would risk obscuring the exploitative conditions that emerge after arrival.

The circumstances surrounding cannabis cultivation also challenge simplistic distinctions between victims and offenders. Many Vietnamese children are discovered actively tending cannabis plants and may therefore appear, at first glance, to be participating willingly in criminal activity. However, the facts suggest that the victims have little choice, and often do not know what plants they are taking care of. Victims are frequently found living within cultivation sites, isolated from wider society, unable to communicate in English, and lacking control over their movements or finances.¹⁴⁵ These characteristics are inconsistent with the image of an independent criminal actor profiting from drug production.

The legal framework discussed in Chapter 1 was developed to include situations in which exploitation occurs through criminal activity. The fact that the exploitation takes place within an illegal

¹⁴⁴ N104, 21

¹⁴⁵ N131, 204

enterprise does not diminish victim status. Rather, criminal exploitation represents one of the clearest examples of why trafficking law must look beyond the immediate offence and examine the broader context in which the conduct occurs. First responders should remain vigilant of any signs of exploitation or trafficking, not focus solely on the illegal conduct.

The legal framework is sufficiently broad to encompass this exploitation. On the other hand, the criminal context in which that exploitation occurs creates significant obstacles to recognition. The issue is rarely whether the legal definition can accommodate Vietnamese cannabis cultivators; rather, it is whether authorities are willing to apply that definition in practice. During interviews, Participant 3¹⁴⁶ revealed that when potential victims are interviewed and asked if they were trafficked, the examples given to explain what trafficking is are limited and focus largely on sexual exploitation. Consequently, victims themselves may not be able to self-identify and the lacking explanations of officials do not aid them. As such, it is imperative that authorities remain aware of the many different ways trafficking may emerge beyond sexual exploitation, and that they communicate them effectively during interviews.

2.3.2 Child-Specific Vulnerabilities and Protections

The position of Vietnamese boys within cannabis cultivation operations also illustrates the importance of child-specific trafficking protections. Many victims arrive in the United Kingdom as unaccompanied minors after prolonged and often traumatic journeys across multiple countries. By the time they enter cannabis farms, they may already have experienced violence, exploitation, and significant psychological distress. These experiences increase their vulnerability to further manipulation and reduce their capacity to seek assistance independently. The apparent willingness of some children to remain within exploitative situations should therefore not be interpreted as evidence of genuine choice. Rather, it often reflects the constrained options available to them or an exploitation of their vulnerability through dependence.

Language barriers and social isolation further exacerbate these vulnerabilities. Many Vietnamese children found in cannabis farms possess little or no English-language ability and have limited understanding of their legal rights or available support mechanisms.¹⁴⁷ Participant 1 noted that most victims will not be aware of their rights or help available to them¹⁴⁸. Furthermore, their dependence upon traffickers for accommodation, food and information significantly reduces opportunities to seek help. This isolation is often reinforced through misinformation regarding police and immigration authorities, with victims being led to believe that disclosure will result in imprisonment or deportation. Through using fear, traffickers trap victims into believing that their situation is better, because at least they get to stay in the country.

These vulnerabilities are particularly important because they help explain why many trafficked Vietnamese children fail to conform to traditional expectations of victimhood. Vietnamese boys

¹⁴⁶ Participant 3, interviewed by author, 15th May 2026

¹⁴⁷ N131, 204

¹⁴⁸ Participant 1, interviewed by author, 28th April 2026

involved in cannabis cultivation are often older adolescents, physically capable, and discovered in criminal environments. Consequently, they may not immediately evoke the sympathy typically associated with younger children or victims of sexual exploitation. Yet the circumstances discussed throughout this chapter demonstrate that vulnerability is not determined solely by age or physical appearance. Rather, it arises through the interaction of poverty, migration, debt, isolation, trauma and coercive control.

The experiences of Vietnamese boys therefore expose a fundamental tension within trafficking protection systems. While child-specific safeguards recognise that children require enhanced protection and are inherently vulnerable, access to those safeguards often depends upon being recognised as a victim in the first place. For children found within cannabis cultivation operations, this recognition is frequently complicated by assumptions regarding criminal responsibility.

2.4 Failures of Victim Identification

Despite the extensive legal protections available to trafficked children, Vietnamese boys exploited within cannabis cultivation nevertheless continue to be misidentified by authorities. This persistent failure reflects deeper institutional and conceptual shortcomings in the implementation of anti-trafficking protections. In reality, many are labelled first as drug offenders, irregular migrants, or criminal suspects rather than as children subjected to exploitation. Consequently, access to protection depends mostly upon authorities recognising victimhood at the earliest stages of intervention. The following sections examine how shortcomings within victim identification mechanisms, policing practices, immigration enforcement, and the wider legal framework contribute to this outcome.

2.4.1 The National Referral Mechanism

The National Referral Mechanism is intended to function as the gateway through which victims can access protection and support. However, its effectiveness depends fundamentally upon successful identification.

One of the most significant weaknesses of the NRM is its reliance upon frontline actors to recognise trafficking indicators and initiate referrals. While the framework itself provides a structured mechanism for identifying victims, its operation is heavily dependent upon the judgement of police officers, immigration officials, local authority staff, and other first responders. However, the House of Lords Select Committee has highlighted persistent issues relating to capacity constraints among first responder organisations, inconsistent understanding of their statutory role, and delays in decision-making processes.¹⁴⁹ Of particular concern are the delays relating to given evidence that individuals awaiting decisions may remain in prolonged periods of uncertainty, increasing their vulnerability to re-trafficking.¹⁵⁰ Due to the systemic delays within the NRM, the median time for reasonable grounds decisions has been recorded at 23 days, significantly exceeding the five-day target, with some cases

¹⁴⁹ N63, 69

¹⁵⁰ Ibid, 69

taking substantially longer.¹⁵¹ These delays contribute to prolonged legal and social limbo, which can undermine safeguarding objectives and increase the risk of further harm. This is especially concerning when one adds the delays already embedded in the asylum system. As such, cases, such as those of Vietnamese boys trafficked for cannabis cultivation, which include both an NRM and Home Office decision, face drastic delays and uncertainty. Thus, in practice, the NRM fails to meet its own deadlines.

These delays within the NRM present an additional challenge. For Vietnamese boys whose cases frequently involve overlapping trafficking, asylum, and immigration claims, these delays may be particularly severe. Extended periods of uncertainty undermine recovery, delay access to long-term support, and increase vulnerability to further exploitation. In this respect, the difficulties experienced by Vietnamese victims reflect broader concerns regarding the capacity of the NRM to deliver effective protection in practice. As such, it is no surprise that Participant 1¹⁵² reported that most of their clients aging out of any support system due to the long delays in the children's cases. They added that such delays even sometimes lead to victims leaving the system and pursuing illegal work in nail bars, as that uncertainty is better than simply waiting.

The Committee also identified structural inequalities in decision-making outcomes. For example, evidence suggested that foreign nationals may receive less favourable outcomes compared to UK nationals, and that evidential expectations may disadvantage individuals who lack documentation or 'paper trails' of exploitation.¹⁵³ Such concerns are particularly relevant for Vietnamese victims, many of whom arrive in the United Kingdom through irregular migration routes, possess limited documentation, and have little understanding of English. Their exploitation often occurs in hidden environments with few witnesses and limited opportunities to generate the forms of evidence typically relied upon by authorities. As a result, victims may struggle to satisfy institutional expectations regarding credibility despite displaying numerous indicators of trafficking. Such disparities raise important questions about the consistency and fairness of victim identification. Without consistency and certainty, a law can be said to fail in its protection and application.

GRETA similarly identified continuing concerns regarding the ability of criminal justice and immigration authorities to recognise trafficking victims in practice. Significantly, NGOs consulted during GRETA's evaluation reported that officers in charge of criminal law and immigration enforcement frequently fail to identify victims and thus prevent access to protections available under the Modern Slavery Act¹⁵⁴. While these concerns apply broadly across trafficking cases, they are especially pronounced in cases involving criminal exploitation. Vietnamese boys are commonly discovered during police raids on cannabis farms, meaning that their first contact with the state occurs within an enforcement context. Unlike victims identified through safeguarding interventions or victim support services, they enter the system as suspected offenders. Consequently, indicators of exploitation may be overlooked in favour of evidence relating to drug production. As such, correct identification and application of the non-punishment principle are crucial to their case.

¹⁵¹ Ibid, 69

¹⁵² Participant 1, N118

¹⁵³ N63, 69

¹⁵⁴ N40

Language barriers further exacerbate these difficulties, particularly in interviews. Vietnamese children frequently have limited English-language proficiency and may possess only fragmented knowledge of the routes through which they were trafficked. Many have experienced prolonged journeys across multiple countries and may be unable to provide detailed or consistent accounts of their experiences. Yet inconsistencies in testimony are often interpreted as indicators of unreliability rather than as predictable consequences of trauma, fear, and exploitation. This creates a significant risk that victims will be denied recognition precisely because of the circumstances that make them vulnerable to trafficking.

2.4.2 Policing Responses

Although anti-trafficking frameworks emphasise the importance of recognising exploitation, the practical realities of policing frequently encourage a focus on criminality rather than victimhood. This reflects a broader tendency within anti-trafficking governance to prioritise enforcement objectives over safeguarding considerations.

As discussed in Chapter 1, critics have argued that anti-trafficking policy remains heavily influenced by a criminal justice paradigm. Gallo¹⁵⁵ argues that contemporary anti-trafficking responses focus predominantly upon detection, prosecution, and law enforcement intervention while doing relatively little to address the underlying conditions that facilitate exploitation. The experiences of Vietnamese boys involved in cannabis cultivation illustrate this critique particularly clearly. When police officers enter a cannabis farm, their immediate priority is naturally the investigation of criminal offences. The presence of cannabis plants, sophisticated cultivation equipment, and evidence of organised criminal activity encourages a focus upon drug production rather than vulnerability. Consequently, exploitation may become secondary to the objective of securing prosecutions.

This problem is compounded by the nature of criminal exploitation itself. Unlike victims of sexual exploitation, Vietnamese boys found in cannabis farms are actively participating in criminal activity at the time of discovery. This makes their victimisation less immediately visible and creates significant challenges for identification. Authorities may struggle to reconcile the image of a trafficking victim with that of an individual engaged in illegal drug production. As a result, criminal conduct risks overshadowing evidence of coercion, debt bondage, and exploitation.

Additionally, Heys and Niezna note that there is scepticism towards the application of the non-punishment principle within the UK. The practical operation of section 45 remains poorly understood due to the absence of systematic data collection. There is no publicly available information on the frequency with which the defence is raised, who invokes it, the characteristics of defendants relying upon it, or its success rates.¹⁵⁶ Nevertheless, despite this evidential gap, assertions persist that the provision is routinely exploited by offenders seeking to evade criminal liability.¹⁵⁷ This implicitly suggests that the application of the non-punishment principle is linked to notions of how much someone deserves to be protected, thus limiting its application.

¹⁵⁵ N38

¹⁵⁶ N75 6

¹⁵⁷ Ibid, 7

This lack of knowledge and trust in the application of the non-punishment principle is particularly problematic in cannabis cultivation cases because the application of protections often depends upon recognising the connection between criminal conduct and exploitation. Where officers focus exclusively upon the offence itself, indicators such as debt bondage, restricted movement, confiscated documentation, and social isolation may be overlooked. Victims may therefore enter the criminal justice system before trafficking concerns are ever considered. By focusing on low-level cultivators rather than the organised criminal groups responsible for their exploitation, enforcement-led approaches may inadvertently undermine broader anti-trafficking objectives. Vietnamese boys are often among the most visible participants within cannabis cultivation networks precisely because they occupy the lowest and most expendable positions. Treating them primarily as offenders risks obscuring the role of traffickers and organised criminal actors who remain largely beyond the reach of law enforcement.

2.4.3 Immigration Control and Enforcement

The difficulties experienced by Vietnamese boys cannot be understood solely through the lens of criminal justice. Their exploitation is closely intertwined with migration, and many encounter immigration authorities due to the irregular route in which they were transported. This creates a tension between victim protection and immigration control that has become increasingly prominent within anti-trafficking policy.

Vietnamese children involved in cannabis cultivation illustrate these concerns particularly clearly. Their trafficking journeys frequently involve irregular entry and prolonged periods of insecure immigration status. These factors are often direct consequences of trafficking itself, yet they simultaneously expose victims to immigration enforcement mechanisms. As a result, behaviours that should be recognised as indicators of exploitation may instead be interpreted as evidence of immigration offending, despite legal frameworks seemingly protecting against punishment for such illegal entry when trafficked.

This overlap between trafficking and immigration control creates significant barriers to disclosure. Many Vietnamese victims arrive in the United Kingdom having been repeatedly warned by traffickers that contact with authorities will result in detention, deportation, or imprisonment. These fears are often reinforced by their experiences during migration, including irregular border crossings, exposure to enforcement measures, and limited understanding of the legal protections available to trafficked children. As a result, mistrust of authority is frequently rooted not only in traffickers' threats but also in victims' lived experiences. Traffickers are able to exploit this uncertainty, transforming immigration precarity into a powerful mechanism of control that discourages disclosure and help-seeking even when opportunities for escape arise.

The experiences of Vietnamese children therefore demonstrate the dangers of viewing trafficking primarily through the lens of migration management. While border control and victim protection are not inherently incompatible objectives, tensions emerge when enforcement priorities dominate decision-making processes. In such circumstances, trafficked children risk being perceived

primarily as immigration offenders rather than victims of exploitation, thereby limiting access to the protections that trafficking law seeks to provide.

2.4.4 Legal Gaps

The persistent criminalisation of Vietnamese boys despite extensive legal protections raises important questions regarding the operation of anti-trafficking law itself. While the legal framework formally recognises that trafficked individuals may commit offences as a consequence of exploitation, significant challenges remain in translating this principle into practice.

One of the most significant difficulties concerns the operation of the non-punishment principle. Although section 45 of the Modern Slavery Act provides a statutory defence for trafficking victims, its effectiveness depends heavily upon prior identification. This creates a circular problem. Victims require recognition as trafficked persons in order to benefit from protection, yet the circumstances in which Vietnamese boys are encountered often make such recognition less likely. Consequently, the protection exists in theory but may remain inaccessible in practice.

Access to protection may become influenced by broader assumptions regarding deservingness and vulnerability. Victims who conform to traditional images of innocence are often more readily recognised than those whose exploitation occurs through criminal activity. Vietnamese boys therefore occupy a particularly precarious position within anti-trafficking systems. Their experiences reveal how legal protections may be undermined not only by procedural failures but also by deeper assumptions regarding who is considered worthy of recognition as a victim.

2.5 Judicial Responses

The judiciary has played a significant role in addressing the wrongful criminalisation of Vietnamese trafficking victims involved in cannabis cultivation. While courts have increasingly recognised the need to protect trafficked individuals from prosecution, many judicial interventions have occurred only after failures by police, prosecutors, immigration authorities, and defence representatives. Consequently, case law reveals both the strengths and limitations of the legal framework. Although appellate courts have demonstrated a growing willingness to correct miscarriages of justice, such intervention often occurs only after victims have already experienced arrest, prosecution, conviction, or detention.

One of the most significant cases is *V.C.L. and A.N. v United Kingdom*¹⁵⁸, which concerned two Vietnamese minors who had been trafficked into the United Kingdom and subsequently prosecuted for cannabis cultivation despite being identified as victims of trafficking during legal proceedings.¹⁵⁹ The European Court of Human Rights held that the United Kingdom had breached Article 4 ECHR by failing to adequately investigate trafficking indicators before prosecuting the applicants. The Court emphasised that where credible evidence of trafficking exists, authorities must properly assess victim status before deciding whether prosecution is appropriate. The judgment represented a clear affirmation

¹⁵⁸ *V.C.L. and A.N. v United Kingdom* (Apps nos 77587/12 and 74603/12) (ECtHR, 16 February 2021)

¹⁵⁹ N103, 3

of the principle that trafficked children should not be punished for criminal conduct arising directly from their exploitation.

Furthermore, in *R v N* [2019] EWCA Crim 984¹⁶⁰, a Vietnamese national was convicted of cannabis cultivation after being found alone in a property containing over 400 cannabis plants. Evidence later revealed that he had been trafficked to the United Kingdom, was forced to cultivate cannabis to repay transport debts, and was not permitted to leave the property.¹⁶¹ The Court of Appeal quashed the conviction, finding that trafficking indicators had been overlooked throughout the criminal process. As such, this case exposed failures of legal practitioners involved in the case, none of whom adequately considered the possibility that N was a trafficking victim.

Similarly, in *R v S* [2020] EWCA Crim 765¹⁶², a Vietnamese national pleaded guilty to cannabis production after receiving incorrect legal advice regarding the significance of a negative trafficking decision.¹⁶³ S's solicitor advised him to plead guilty without consideration of the Section 45 statutory defence due to a misunderstanding that the defence can still be raised despite a negative Conclusive Grounds decision. The Court of Appeal subsequently quashed the conviction after it became clear that S had in fact been trafficked. The case highlighted the complexity of trafficking law and the importance of specialist legal knowledge when representing potential victims.

These cases demonstrate an increasing judicial recognition that trafficked individuals should not be treated as ordinary offenders. Courts have repeatedly emphasised the importance of the non-punishment principle and the need to consider trafficking indicators at every stage of criminal proceedings. However, they also reveal a reactive rather than preventative approach. Judicial remedies generally occur after wrongful prosecutions have already taken place, meaning victims may have spent months or years navigating the criminal justice system before their victim status is properly recognised. This subsequently means that protection depends upon a victim's ability to consult effective legal counsel.

Consequently, while judicial developments have strengthened protections for trafficked children and clarified the application laws, litigation alone cannot resolve the underlying problem. The recurring need for appellate intervention suggests that failures of identification remain embedded within earlier stages of the criminal justice process. Courts may correct individual injustices, but they cannot substitute for effective victim identification by police, prosecutors, and other frontline authorities. As a result, Vietnamese children continue to face a significant risk of criminalisation despite increasingly favourable judicial recognition of their victim status.

2.6 Consequences of Misidentification

The failure to identify Vietnamese boys involved in cannabis cultivation as victims of trafficking has serious and long-lasting consequences. Misidentification fundamentally undermines the protective

¹⁶⁰ *R v N* [2019] EWCA Crim 984

¹⁶¹ N103, 8

¹⁶² *R v S* [2020] EWCA Crim 765

¹⁶³ N103, 8

objectives of anti-trafficking law. Instead of receiving safeguarding and support, trafficked children may be subjected to criminal prosecution, immigration detention, and removal proceedings.

2.6.1 Criminalisation

The most immediate consequence of misidentification is criminalisation. Vietnamese children discovered in cannabis farms risk being arrested and investigated as offenders under drug legislation rather than recognised as victims of exploitation, particularly where their status as minors is contested. Research has identified 112 potential trafficking cases involving cannabis cultivation were identified, of which 77 resulted in convictions without any recognition of trafficking concerns by the criminal justice system.¹⁶⁴ Criminalisation directly goes against the non-punishment principle. The purpose of this principle is to ensure that victims are not penalised for unlawful acts committed as a consequence of their exploitation.

Beyond the legal consequences, criminalisation may also produce significant psychological harm. Victims who have already experienced abuse, confinement, and manipulation may perceive arrest and prosecution as further evidence that authorities are unwilling or unable to protect them. Necchi and Bradford note that prosecutions can contribute to secondary victimisation, particularly where victims are required to give evidence about traumatic experiences during criminal proceedings.¹⁶⁵ Rather than facilitating recovery, the criminal justice process may therefore reinforce existing trauma.

Moreover, criminalising victims undermines broader anti-trafficking efforts. Prosecuting those at the lowest levels of criminal enterprises diverts attention away from traffickers and organised criminal groups responsible for exploitation. As Necchi and Bradford argue, pursuing victims rather than exploiters risks perpetuating the cycle of exploitation by allowing traffickers to continue operating.¹⁶⁶

2.6.2 Detention and Deportation

Misidentification may also result in immigration detention and removal proceedings. Many Vietnamese children exploited within cannabis cultivation operations have entered the United Kingdom through irregular migration routes and therefore encounter immigration enforcement mechanisms alongside criminal justice processes. Where trafficking indicators are overlooked, individuals may be treated primarily as immigration offenders rather than victims requiring protection.

Detention can occur at various stages of the process. Potential victims who have been charged with offences may be remanded into custody while awaiting trial, often for lengthy periods of time.¹⁶⁷ The experience of detention may be particularly damaging for trafficked children who have previously experienced confinement, surveillance, and restrictions on movement during their exploitation.

¹⁶⁴ N103, 7

¹⁶⁵ *ibid*, 3

¹⁶⁶ *ibid*, 6

¹⁶⁷ *ibid*, 8

Consequently, detention may reinforce feelings of fear and powerlessness rather than promoting recovery. It may also discourage cooperation with authorities, as victims come to associate disclosure with incarceration rather than protection.

Although the Home Office generally considers that victims of trafficking can access protection upon return to Vietnam, it acknowledges that certain factors may increase vulnerability, including outstanding debts, poverty, lack of family support, and psychological trauma.¹⁶⁸ For some victims, removal may therefore expose them to renewed risks of exploitation, particularly where the circumstances that contributed to their original trafficking remain unchanged.

2.6.3 Risk of Re-Trafficking

This brings us to the most serious long-term consequence of misidentification: an increased risk of re-trafficking. Where victims are denied support, criminalised, or removed without appropriate safeguards, the vulnerabilities that facilitated trafficking often remain unresolved. Debt bondage is particularly significant in this regard. Many Vietnamese trafficking victims travel to Europe after their families incur substantial debts to finance migration.¹⁶⁹ If victims are arrested or deported before these debts are repaid, the financial pressures that initially motivated migration may persist. Outstanding debts can continue to expose both victims and their families to pressure from traffickers and moneylenders, increasing the likelihood of future exploitation. Furthermore, mistrust towards authorities may persist long after criminal proceedings have concluded, which reduces the chance that victims will engage with support services or report future exploitation.

Ultimately, the failure to recognise trafficking undermines the fundamental purpose of anti-trafficking law: protecting victims and preventing future abuse. For Vietnamese boys exploited through cannabis cultivation, misidentification often represents not the end of exploitation but merely a transition from one form of vulnerability to another.

2.7 Chapter Conclusion

This chapter has demonstrated that Vietnamese boys involved in cannabis cultivation and at the intersection of trafficking, criminal exploitation, child protection, and immigration control are uniquely vulnerable. This chapter has further shown that despite available protections, significant failures of victim identification stand in the way of victim protection. The National Referral Mechanism has been undermined by delays and by improper training of first-responders. Police responses frequently prioritise drug enforcement over safeguarding obligations. Inadequate training and persistent reliance

¹⁶⁸ N104, 7-8

¹⁶⁹ Ibid, 21

upon stereotypes of the ‘ideal victim’ contribute to overlooking trafficking indicators. Immigration enforcement further complicates identification by creating fears of detention and deportation.

Judicial interventions have increasingly recognised these failings. Nevertheless, these decisions largely represent corrective measures after the harm of criminalisation has already occurred. As a result, the burden of rectifying institutional failures often falls upon appellate courts rather than being prevented through effective frontline identification and safeguarding.

The consequences of these failures are severe. Misidentified victims may face prosecution, detention, and deportation, all of which undermine recovery and increase the risk of further exploitation. Perhaps most significantly, criminalisation obscures the role of traffickers themselves, allowing those responsible for exploitation to remain largely beyond the reach of the criminal justice system.

Ultimately, this chapter has illustrated that the central issue is not the absence of legal protections but the persistent inability of institutions to recognise and apply them effectively. Vietnamese boys involved in cannabis cultivation challenge conventional distinctions between victim and offender, exposing the limitations of systems that remain heavily influenced by criminal justice and immigration control priorities. Understanding how these children are treated and responded to within legal and institutional frameworks is therefore essential to addressing the broader themes of victimhood, criminalisation, and hierarchy explored throughout this thesis. In the following chapter, these themes will be examined through the lens of the ‘ideal victim’ concept.

Chapter 3: The ‘Ideal Victim’ and the Misrecognition of Trafficked Boys

3.1 Conceptualising the ‘Ideal Victim’

Although international and domestic frameworks formally recognise boys in criminal exploitation as victims, research and practitioner experience suggest that some victims are more readily identified, believed, and protected than others. Recognition is therefore determined by socially constructed assumptions regarding who constitutes a legitimate victim. These assumptions are particularly significant in cases involving Vietnamese boys trafficked for cannabis cultivation because their experiences frequently diverge from dominant understandings of victimhood.

The continued relevance of these assumptions was evident throughout the practitioner interviews conducted for this research. Participant 2 explicitly referred to the existence of a ‘stereotype of [the] ideal victim’ and noted that difficulties in identifying trafficked children often arise where victims fail to conform to this stereotype.¹⁷⁰ Similarly, Participant 4 observed that victimhood is frequently shaped by assumptions regarding who appears vulnerable, innocent, and deserving of protection.¹⁷¹ These observations suggest that the concept of the ideal victim remains highly relevant to understanding contemporary trafficking responses.

¹⁷⁰ Participant 2, interview by author, 14th May 2026

¹⁷¹ Participant 4, interview by author, 25th May 2026

This section argues that the theory of the ideal victim provides an important framework for explaining why trafficked Vietnamese boys frequently struggle to obtain recognition. Drawing upon Christie's foundational work and subsequent scholarship on hierarchies of victimhood, it demonstrates that victimhood is a socially controlled status. Victims who conform to dominant expectations of innocence and vulnerability are more readily recognised, while those whose experiences involve criminality, migration, or perceived agency face greater scepticism. Understanding these dynamics is essential for explaining why trafficked Vietnamese boys continue to experience barriers to protection despite falling within established legal definitions of trafficking. Only through understanding the root of the problem can we propose reforms.

3.1.1 Nils Christie and the Ideal Victim

The concept of the ideal victim originates from the work of Nils Christie, who argued that victimhood is not automatically granted to all individuals who suffer harm. Rather, some individuals are more readily recognised as victims because they conform to socially accepted expectations regarding who victims should be and how they should behave.¹⁷² According to Christie, the ideal victim possesses several defining characteristics. The victim is weak, engaged in a respectable activity, located somewhere they cannot reasonably be blamed for being, harmed by a clearly identifiable offender, and entirely unconnected to that offender.¹⁷³ These characteristics collectively construct a victim who appears innocent and whose suffering attracts sympathy and protection.

The significance of Christie's contribution lies in his recognition that victimhood is socially constructed rather than objective. Individuals may experience comparable levels of harm yet receive very different responses depending upon how closely they resemble the ideal victim. Christie demonstrates this through his example of a young man assaulted after spending time in a bar with acquaintances. Although the young man has undoubtedly experienced harm, he is less readily perceived as a victim because he lacks the characteristics associated with ideal victimhood.¹⁷⁴ As a man, he is expected to endure more, and his time at the bar makes him seemingly blameworthy for engaging in risky behaviour. Harm is also mitigated by his attackers being people he knew.

This insight is particularly relevant in the context of trafficking. As Wechsler argues, trafficked persons who fail to satisfy 'normative expectations of what victims look like [and] how they act' may struggle to obtain recognition as legitimate victims.¹⁷⁵ Victimhood thus is dependent upon conformity to pre-existing assumptions, and those whose experiences challenge dominant narratives may encounter greater scrutiny. In turn, they are less likely to be recognised as victims of trafficking, and thus less likely to access the relevant protection.

¹⁷² N11 17

¹⁷³ Christie, *ibid*, 19

¹⁷⁴ Christie, *ibid*, 19

¹⁷⁵ Rachel J Wechsler, 'Recognizing Victims' Perspectives: Toward a Human Rights-Based Approach to Human Trafficking' (DPhil thesis, University of Oxford 2019, 29

Importantly, the practitioner interviews suggest that these dynamics continue to influence contemporary responses to trafficking. Participant 2's observation¹⁷⁶ that professionals frequently rely upon stereotypes of the 'ideal victim' indicates that recognition remains shaped by assumptions regarding what victimhood should look like. The participant explained that when professionals are presented with trafficking scenarios involving seeking work opportunities, many identify concerns relating to criminality or immigration but fail to recognise trafficking indicators. Such findings suggest that victimhood is often interpreted through pre-existing narratives.

Participant 4¹⁷⁷ similarly emphasised that victimhood is often assessed through normative expectations regarding innocence and behaviour. Drawing upon both research and professional experience, they observed that exploited children do not always react in ways that correspond with conventional assumptions about vulnerability. Victims may display anger, reject support, or even laugh while recounting traumatic experiences. These behaviours conflict with expectations of how a 'real' victim should present. The participant further noted that victimhood is frequently linked to assumptions about whether an individual appears '100% vulnerable, innocent, [or] not to blame' for their circumstances. Such observations closely mirror Christie's argument that victimhood is a social status dependent upon perceptions of innocence and deservingness. Together, these interviews suggest that the ideal victim continues to influence how trafficking victims are identified in practice.

Christie's theory also highlights the importance of the relationship between victims and offenders. He argues that 'ideal victims need - and create - ideal offenders' and that 'the more ideal a victim is, the more ideal becomes the offender'.¹⁷⁸ Victimhood therefore depends upon a clear distinction between innocence and culpability, when in reality the line is not easy to draw. This distinction becomes particularly difficult to maintain in cases involving criminal exploitation, where the victim may appear to be committing an offence while the trafficker remains absent. The ideal victim framework consequently provides an important foundation for understanding why trafficked Vietnamese boys, who are frequently encountered in criminal contexts, experience difficulties obtaining recognition.

Christie's theory ultimately demonstrates that victimhood is a social status that must be recognised and validated. For trafficked Vietnamese boys, this recognition is often complicated by factors that distance them from the ideal victim narrative. Their experiences challenge conventional assumptions regarding innocence, making them less readily identifiable as victims despite the exploitation they have suffered.

3.1.2 Hierarchies of Victimhood

While Christie identified the characteristics associated with ideal victimhood, subsequent scholarship has demonstrated that these distinctions produce broader hierarchies of victimhood. Social and

¹⁷⁶ Participant 2, interview by author, 14th May 2026

¹⁷⁷ Participant 4, interview by author, 25th May 2026

¹⁷⁸ N11, 25

institutional responses appear to rank victims according to their perceived deservingness. Some victims receive greater sympathy, are seen as more credible, and have easier access to protection than others.

Within anti-trafficking discourse, these hierarchies are particularly pronounced. Forringer-Beal notes that anti-trafficking narratives have become dominated by a ‘singular narrative’ centred upon ‘youth, femininity, innocence, and sexual exploitation’.¹⁷⁹ Victims who conform to this narrative are more readily recognised because they closely resemble dominant expectations of vulnerability and evoke the need to be protected. Conversely, victims whose experiences involve criminal exploitation, migration, or apparent agency hold a weaker position within anti-trafficking frameworks. These victims are no longer seen as blameless and thus place lower in the hierarchy.

Hierarchies of victimhood operate through processes of moral evaluation. Victims who are perceived as passive, innocent, and blameless are generally viewed as more deserving of sympathy and support than those whose circumstances appear more complex. As Wechsler notes, individuals who do not conform to dominant victim narratives attract less sympathy and may be denied ‘complete and legitimate victim status’ despite experiencing substantial harm.¹⁸⁰ Victimhood therefore becomes dependent upon whether the victim satisfies prevailing expectations of deservingness.

The practitioner interviews also reveal how these hierarchies influence practical decision-making. Participant 2¹⁸¹ explained that professionals frequently overlook trafficking indicators when children are encountered in contexts involving criminality or employment. Such observations suggest that recognition is determined by whether a child's circumstances correspond to established narratives of victimhood. Children whose experiences diverge from these narratives face a greater burden in establishing their victim status. For trafficked Vietnamese boys, these hierarchies are particularly troubling. They are frequently identified within cannabis cultivation operations, are most often migrant children, and may appear to have exercised some degree of agency in their journeys to the United Kingdom. Each of these characteristics distances them from dominant constructions of the ‘ideal trafficking victim’. Consequently, they hold a lower position within hierarchies of victimhood than victims whose experiences more closely resemble established narratives.

The concept of hierarchies of victimhood therefore provides an essential framework for understanding the misrecognition of trafficked Vietnamese boys. Their difficulties do not stem from an absence of exploitation but from the fact that their experiences conflict with dominant assumptions regarding who victims are supposed to be. Recognition is consequently shaped also by broader social and institutional understandings of vulnerability, innocence, and deservingness. These dynamics become even more apparent when examining the gendered foundations upon which contemporary trafficking narratives are constructed.

3.2 Gendered Constructions of Victimhood

¹⁷⁹ N2, 91

¹⁸⁰ N175, 35

¹⁸¹ Participant 2, interview by author, 14th May 2026

The hierarchy of victimhood within anti-trafficking frameworks is fundamentally gendered. While trafficking legislation is formally gender-neutral, dominant understandings of trafficking victims remain closely associated with women and girls. The consequences of these assumptions are particularly significant for trafficked Vietnamese boys, whose experiences of criminal exploitation are lessened by their gender.

Gendered understandings of trafficking victims are deeply embedded within the historical development of anti-trafficking discourse, as discussed in the previous section. The origins of modern anti-trafficking narratives can be traced to the ‘white slavery’ campaigns of the late nineteenth and early twentieth centuries, which centred the protection of women and girls from sexual exploitation.¹⁸² Although recognised forms of trafficking and exploitation have diversified considerably since then, the image of the trafficking victim continues to be shaped by these historical associations. Consequently, victimhood remains strongly connected to femininity and innocence, while male victims often occupy a marginal position within anti-trafficking frameworks.

3.2.1 Women and Girls as the Paradigmatic Trafficking Victims

The continued prioritisation of women and girls within trafficking discourse has contributed significantly to the construction of a gendered hierarchy of victimhood. Forringer-Beal observes that anti-trafficking campaigns repeatedly rely upon images of ‘bound white hands, women’s bodies partially obscured, [and] an ominous dark figure in the background’ to represent trafficking.¹⁸³ While these images evoke sympathy, they also communicate a particular understanding of who trafficking victims are expected to be. The result is a specific and enduring stereotype centred upon a young, vulnerable woman subjected to sexual exploitation. Our so-called ‘ideal victim’.

This notion is reinforced throughout anti-trafficking discourse. According to Forringer-Beal, studies of anti-trafficking campaigns consistently reveal ‘a concrete focus on youth, femininity, innocence, and sexual exploitation’.¹⁸⁴ Similarly, descriptions of ‘a young girl, kidnapped and sold from hand to hand until she ends up in a brothel’ illustrates the dominance of a singular trafficking narrative within public and legal discourse.¹⁸⁵ Such representations simplify trafficking into a story involving a passive female victim and a predatory male offender. While these experiences undoubtedly occur, their dominance within trafficking discourse risks obscuring other victim groups.

This tendency was also reflected in the practitioner interviews. Participant 3¹⁸⁶ observed that individuals subjected to less stereotypical forms of trafficking frequently encounter difficulties securing recognition because decision-makers remain more familiar with conventional trafficking narratives. The participant noted that cases involving individuals held for ransom during migration journeys or exploitation linked to smuggling arrangements are often overlooked. Significantly, Participant 3 suggested that forms of exploitation more commonly experienced by men and boys are often ‘harder to be recognised’, both by decision-makers and by victims themselves, who may not understand that their

¹⁸² N2, 96-100

¹⁸³ Ibid, 88

¹⁸⁴ Ibid, 91

¹⁸⁵ Ibid, 91

¹⁸⁶ Participant 3, interview by author, 15th May 2026

experiences constitute trafficking. This concern was echoed in their observations regarding official interviews, which, according to Participant 3, often focus on questions such as whether an individual has been ‘made to work’ or ‘sexually exploited’ without providing broader examples of trafficking indicators. As a result, victims subjected to lesser-known forms of exploitation may fail to recognise their experiences within the categories presented to them. These observations suggest that the dominance of narratives centred upon female sexual victimisation shapes public perceptions of trafficking and contributes to the under-identification of victims whose experiences fall outside these stereotypes.

The prominence of women and girls within anti-trafficking research has further reinforced these assumptions. The OSCE notes that ‘most policy reports and academic literature on gender and THB look primarily at sexual exploitation of women and girls’.¹⁸⁷ Even initiatives explicitly aimed at understanding the gender dimensions of trafficking have frequently focused on female victims. According to the OSCE, research seeking to examine the gender dimension of trafficking has often concentrated specifically upon trafficking for sexual exploitation because this remains the most widely reported form of trafficking in Europe.¹⁸⁸ Consequently, trafficking has become strongly associated with female victimhood within both policy and public consciousness.

This focus has important practical implications. Research informs policy development, training programmes, awareness campaigns, and identification procedures. As the OSCE explains, ‘research that overlooks certain victim groups as a result of gender assumptions’ limits understanding of who trafficking victims are and ‘hinders the development not only of assistance and protection strategies, but also of prevention mechanisms’.¹⁸⁹ Where women and girls are consistently positioned as the ideal victims of trafficking, identification systems become best suited towards recognising experiences that resemble this well-established model while overlooking victims whose experiences differ.

The ideal victim framework discussed previously helps explain why women and girls have become so central to trafficking discourse. Christie identifies vulnerability and weakness as key characteristics of ideal victimhood.¹⁹⁰ The OSCE similarly notes that the ideal victim is often perceived as ‘female, vulnerable and weak’ while the ideal offender is viewed as ‘male, big and bad’.¹⁹¹ Traditional femininity therefore aligns closely with the characteristics traditionally associated with legitimate victimhood. As Forringer-Beal argues, ‘youth and femininity are culturally important signifiers for innocence and victimhood’.¹⁹² The association between femininity and vulnerability consequently makes women and girls more readily recognisable as trafficking victims.

By establishing a particular image of trafficking victimhood as the norm, anti-trafficking discourse risks transforming one form of victimisation into the benchmark against which all others are measured. Victims whose experiences involve labour exploitation, criminal exploitation, migration, or perceived agency therefore struggle to obtain recognition. This issue is particularly acute for trafficked

¹⁸⁷ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Applying Gender-Sensitive Approaches in Combating Trafficking in Human Beings* (Vienna 2021), 19

¹⁸⁸ Ibid, 19

¹⁸⁹ Ibid, 20

¹⁹⁰ N11, 19

¹⁹¹ N187, 11

¹⁹² N2, 92

Vietnamese boys, whose experiences bear little resemblance to dominant trafficking narratives despite involving severe exploitation.

3.2.2 Masculinity and the Invisibility of Male Victims

Gendered narratives of trafficking thus lead to decreased visibility of male victims. While female victimhood is closely associated with vulnerability, masculinity is often associated with strength, resilience, and self-sufficiency. These assumptions create significant barriers to recognising men and boys as victims of trafficking. This is especially true for boys who may be the eldest in their family or have been sent abroad to work and send money back home to support their family.

The OSCE identifies the ideal victim as fundamentally opposed to characteristics ‘associated with masculinity, such as resilience, force and strength’.¹⁹³ Consequently, male victims often appear inconsistent with dominant expectations of victimhood before their experiences are even examined. One anti-trafficking practitioner interviewed by the OSCE explicitly stated that ‘the ‘perfect victim’ is a woman or a girl in prostitution’ and that ‘boys being exploited in criminal activities are not seen as victims’.¹⁹⁴ This observation is particularly significant for trafficked Vietnamese boys involved in cannabis cultivation because it directly identifies criminally exploited boys as a category that is routinely excluded from conventional understandings of victimhood.

The invisibility of male victims is reinforced by broader social expectations surrounding masculinity. The OSCE notes that boys are frequently viewed ‘through a prism of their sex/gender (i.e. male and, thus, strong and invulnerable) rather than their age/maturity (i.e. as a child in need of and with rights to protection)’.¹⁹⁵ This observation has particular relevance for Vietnamese boys trafficked into cannabis cultivation. Although many are legally children, their status as boys may lead authorities to perceive them as capable of protecting themselves.

Expectations regarding masculinity can also influence how victims understand their own experiences. According to the OSCE, men and boys often have ‘a hard time seeing themselves as victims’ because accepting victimhood may conflict with cultural expectations regarding strength, independence, and provision for one’s family.¹⁹⁶ The report notes that ‘the culture of men working and supporting their families is highly relevant’ and may lead exploited men and boys to view themselves as workers rather than victims.¹⁹⁷ These dynamics are particularly relevant to Vietnamese trafficking cases, where migration is frequently linked to economic aspirations and familial obligations. A boy who believes he is contributing to family survival may struggle to recognise exploitation, even when subjected to coercive and abusive conditions.

Participant 4¹⁹⁸ further noted that society is accustomed to associating victimhood with vulnerability and passivity, which are qualities more readily attributed to women and girls than boys.

¹⁹³N187, 33

¹⁹⁴Ibid, 33

¹⁹⁵ Ibid, 34

¹⁹⁶Ibid, 33-35

¹⁹⁷ Ibid 34

¹⁹⁸ Participant 4, interview by author, 25th May 2026

Consequently, ‘when a boy ends up in criminality, it does not come as much of a surprise to society than if a girl was recruited into criminal networks’. Such assumptions are particularly problematic given that boys constitute a significant proportion of those subjected to criminal exploitation.

The relationship between masculinity and migration further increases these vulnerabilities. The OSCE notes that migrant boys are often expected to undertake dangerous journeys because they are perceived as capable of coping with risk and fulfilling provider roles.¹⁹⁹ As one anti-trafficking expert explained, boys may experience an ‘invisible push’ from their families to secure income, despite their young age.²⁰⁰ Such expectations make boys vulnerable to trafficking while simultaneously reducing perceptions of their vulnerability.

Finally, the OSCE warns that anti-trafficking actors are more likely to identify victims who resemble the ideal victim while overlooking those who do not.²⁰¹ Male victims consequently experience longer periods of exploitation, with the average duration of trafficking for male victims exceeding that of female victims.²⁰² This is especially troubling when coupled with the delays embedded in the asylum and NRM systems discussed earlier in this thesis.

3.3 The Victim-Offender Overlap

The hierarchy of victimhood becomes particularly visible when trafficking occurs through criminal exploitation. While the ideal victim is constructed as innocent, passive, and clearly distinguishable from the offender, victims of criminal exploitation hold a far more ambiguous position. Their exploitation is obscured by the very criminal acts they have been coerced or compelled into performing. Consequently, rather than being recognised primarily as victims, they are often viewed first through a lens of offending. For trafficked Vietnamese boys discovered in cannabis cultivation operations, this overlap between victimhood and criminality represents one of the most significant barriers to recognition and protection.

This tension reveals a fundamental limitation within ideal victim narratives. Christie's model relies upon a clear distinction between the innocent victim and the culpable offender, noting that ‘ideal victims need - and create - ideal offenders’ and that ‘the more ideal a victim is, the more ideal becomes the offender’.²⁰³ Criminal exploitation disrupts this false binary. In cannabis cultivation cases, the trafficker is rarely present when authorities encounter the child. Instead, law enforcement is confronted with a young person inside a property used for criminal activity. The exploiter remains invisible while the child appears directly connected to the offence.

The victim-offender overlap is particularly significant because victimhood within anti-trafficking systems is seemingly dependent upon perceptions of innocence and blamelessness. Christie argues that ideal victims are individuals who are weak, respectable, and ‘could not possibly be blamed’

¹⁹⁹ N187, 26

²⁰⁰ Ibid, 26

²⁰¹ Ibid, 33

²⁰² Ibid, 34

²⁰³ N11, 25

for their circumstances.²⁰⁴ Criminally exploited children challenge these assumptions because their victimisation occurs through conduct that appears unlawful, as well as potential illegal migration. Consequently, they occupy a lower position within the hierarchy of victimhood. As Jovanović et al argue, modern anti-trafficking systems continue to create a ‘hierarchy of victimhood’ in which certain categories of victims, particularly those associated with criminal offending, face greater barriers to support and recognition than others.²⁰⁵

Importantly, this problem was repeatedly identified by interview participants. Participant 2²⁰⁶ observed that stereotypes surrounding the ‘ideal victim’ remain deeply embedded within professional practice and are particularly apparent in cases involving criminal exploitation and unaccompanied boys. When using case studies during professional training sessions, Participant 2 noted that many practitioners identify risks such as arrest but fail to recognise indicators of trafficking. Indeed, ‘many professionals do not recognise trafficking in the ‘[victim] finding [a] job’ scenario’ and instead focus on the apparent involvement in criminal activity. Participant 2 therefore added that, in cases of criminal exploitation, the burden falls heavily upon professionals to identify trafficking indicators because ‘you cannot wait for the children to tell you or to self-identify’.

3.3.1 Criminal Exploitation and Child Trafficking

The experiences of trafficked Vietnamese boys demonstrate how criminal exploitation complicates conventional understandings of victimhood. Criminal exploitation places victims in direct contact with the criminal justice system. Consequently, the child’s first encounter with state authorities may occur not as a victim seeking protection but as a suspected offender.

Participant 1’s account of Vietnamese trafficking cases illustrates this dynamic particularly clearly.²⁰⁷ One boy arrived in the United Kingdom concealed within a lorry, found himself homeless shortly after arrival, and was approached by strangers offering accommodation if he would simply ‘water the plants’. To a ‘16-17 year old who may not know anything about cannabis, this seems harmless’. The participant explained that the child was subsequently taken to a cannabis house, isolated from the outside world, and left dependent upon traffickers. Until the eventual police raid, the young person had ‘no communication apart from with the traffickers who come in to bring food’.

This account highlights a crucial contradiction. The same facts that may later be interpreted as evidence of criminal offending can simultaneously be read as evidence of exploitation. A teenager discovered cultivating cannabis does not immediately resemble the dominant image of a trafficking victim. Instead, the criminal setting obscures the exploitative context. As Participant 2 observed, criminal exploitation cases require professionals to actively look beyond the apparent offence because trafficking indicators are often overlooked.

²⁰⁴ Ibid 19

²⁰⁵ Marija Jovanović, Vanessa Topp and Franziska Fluhr, ‘The Hierarchy of Victimhood: Prisons and States’ Responsibility to Protect Every Victim of Modern Slavery and Human Trafficking’ (2024) 4 *International Criminology* 383

²⁰⁶ Participant 2, interview by author, 14th May 2026

²⁰⁷ Participant 1, interview by author, 28th April 2026

Participant 4 similarly identified criminal exploitation as one of the areas where the greatest tensions exist between legal definitions and lived realities. Although international frameworks recognise criminal exploitation as a form of trafficking, they noted that contemporary debates continue to struggle with exploitative conduct that is simultaneously criminal in nature. Drawing upon examples such as county lines and the recruitment of children into criminal groups, Participant 4 explained that exploitation becomes more difficult to recognise precisely because ‘somebody enters into it, somebody does something against the State or another individual committing a crime and we don't see them as being 100% vulnerable, innocent, [or] not to blame for the circumstances they ended up in’.²⁰⁸ This observation closely reflects Christie's argument that victimhood depends upon assumptions of innocence and blamelessness.

Rather than functioning as evidence of trafficking, criminal activity may become evidence against victimhood. This demonstrates how hierarchies of victimhood operate in practice: victims whose exploitation occurs through criminal conduct are required to overcome additional barriers before they are considered deserving of recognition and protection.

3.3.2 Agency, Coercion, and Perceived Complicity

The difficulties faced by trafficked Vietnamese boys are further intensified by assumptions regarding agency and complicity. Dominant trafficking narratives frequently portray victims as entirely passive individuals who are forcibly subjected to exploitation. Yet trafficking experiences are often considerably more complex. Victims may make decisions, accept opportunities, or participate in activities while remaining subject to coercion and exploitation. The presence of some agency therefore does not negate victimhood. Nevertheless, within hierarchies of victimhood, perceived agency often undermines recognition.

This issue is reflected in both trafficking scholarship and practitioner experiences. Forringer-Beal argues that dominant trafficking narratives remove victims' agency and instead emphasise passivity, producing a simplified image of exploitation centred upon innocence and helplessness. The ideal victim's ‘agency is removed and her passivity highlighted’.²⁰⁹ Victims whose experiences fail to conform to this model therefore encounter greater scepticism.

Participant 1's account²¹⁰ demonstrates why such assumptions are problematic. The Vietnamese boys encountered in their practice were not forcibly dragged into cannabis cultivation immediately upon arrival. Rather, they were frequently approached during periods of great vulnerability, offered accommodation, food, or assistance, and gradually drawn into exploitative situations. A child agreeing to ‘water the plants’ in exchange for somewhere to sleep may appear to have exercised agency. However, this apparent choice occurred in circumstances characterised by homelessness, language barriers, dependency, and isolation. Meaningful alternatives did not exist. Likewise, the offer is deceptive in nature as the child is unaware of the cannabis cultivation operation, or the dangerous circumstances they will find themselves in.

²⁰⁸ Participant 4, interview by author, 25th May 2026

²⁰⁹ N2, 91-92

²¹⁰ Participant 1, interview by author, 28th April 2026

Drawing upon research involving exploited boys and young men, Participant 4²¹¹ observed that victims often display behaviours that ‘don’t correlate with our assumptions of how a victim should behave’. Rather than crying or actively seeking help, they may reject assistance, laugh during interviews, or express anger. These reactions are frequently misunderstood because they conflict with how we expect victims to behave. The truth is that people respond to trauma in a variety of ways. The problem, therefore, is not that victims fail to disclose exploitation; it is that professionals may interpret behaviour through preconceived assumptions about how genuine victims should act.

Perceived complicity consequently becomes a powerful mechanism to deny victim status. Once a child is viewed as having exercised agency, participated in criminal conduct, or failed to behave like an ideal victim, it becomes easier to attribute responsibility to them for their circumstances. Yet such reasoning overlooks the realities of trafficking. Vietnamese boys trafficked into cannabis cultivation may have agreed to migrate, accepted offers of accommodation, or undertaken tasks requested by traffickers. However, these actions occurred within contexts shaped by deception, dependency, and coercion. Treating such behaviour as evidence of complicity rather than exploitation reflects the operation of the hierarchy of victimhood.

The victim-offender overlap therefore exposes one of the central contradictions within anti-trafficking systems. Although legal frameworks recognise that children can be trafficked into criminal activity, social understandings of victimhood continue to rely heavily upon assumptions of passivity and innocence. Vietnamese boys trafficked into cannabis cultivation do not satisfy these expectations. Their apparent criminality, perceived agency, and divergence from dominant victim narratives position them as non-ideal victims, making recognition more difficult despite the severity of their exploitation.

3.4 Why Vietnamese Boys Fail to Fit the ‘Ideal Victim’ Narrative

The preceding sections have demonstrated that victimhood is shaped by preconceived expectations and resulting hierarchies that privilege certain forms of suffering over others. These hierarchies are particularly relevant to trafficked Vietnamese boys because they possess each non-ideal trait discussed above. Vietnamese boys are frequently encountered as migrant children involved in criminal activity. Their immigration status, gender and behaviours do little to aid their case.

Understanding why Vietnamese boys struggle to secure recognition requires moving beyond individual characteristics and examining how multiple factors interact to position them outside dominant victim narratives. Criminality, migration status, race, gender, and age do not operate independently. They reinforce one another, producing a victim profile that sits at considerable distance from the ‘ideal victim’. This section argues that these traits in Vietnamese boys make recognition and protection less accessible despite their clear vulnerability to exploitation.

3.4.1 Criminality and Victimhood

²¹¹ Participant 4, interview by author, 25th May 2026

The most immediate barrier to recognising trafficked Vietnamese boys as victims is their association with criminal activity. As discussed before, many are identified during police raids on cannabis cultivation sites, meaning that their first encounter with authorities occurs within a criminal context. This creates a significant obstacle to recognition because criminality directly conflicts with dominant expectations of victimhood.

The association between criminal exploitation and non-ideal victimhood was repeatedly emphasised by interview participants. Participant 2²¹² noted the existence of a ‘stereotype of [the] ideal victim’ and explained that criminally exploited boys frequently fall outside this framework. Professionals often recognise risks associated with criminal activity but fail to identify trafficking indicators, particularly where exploitation occurs through apparently voluntary work arrangements. Such findings suggest that criminal contexts function as a barrier through which victimhood is questioned.

Participant 1's account²¹³ similarly demonstrates how exploitation may be obscured by criminal settings. The Vietnamese boys encountered in their work were often isolated within cannabis cultivation sites, dependent upon traffickers for accommodation, food, communication, and interpretation. Yet these indicators of exploitation may remain invisible when attention is focused primarily upon the criminal nature of the environment. While Participant 1 noted that their clients were dismissed without further action as a result of their status as victims of trafficking, one wonders what would happen if these boys did not have legal representation.

The relationship between criminality and victimhood therefore reveals the operation of the hierarchy of victimhood in practice. Victims whose exploitation occurs through criminal activity are required to overcome additional barriers before they are recognised as deserving of protection. This creates a somewhat circular barrier – they must prove they are victims of trafficking to invoke the non-punishment principle, but their criminal behaviour in the first place makes it harder for them to be recognised as a typical victim of trafficking.

3.4.2 Migration, Race, and Otherness

Furthermore, victims’ experiences are also shaped by migration status and racialised perceptions of otherness. While ideal victim narratives frequently centre individuals who are perceived as familiar and relatable, migrant victims hold a more ambiguous position within public and institutional understandings of deservingness.

This is especially true at the time of writing, as the United Kingdom faces continued anti-migration debates. In recent years, migration discourse in the United Kingdom has become increasingly framed through the lenses of security, control, and criminality. This was starkly illustrated following the 2024 mass stabbing in Southport²¹⁴, where misinformation about the perpetrator’s identity fuelled

²¹² Participant 2, interview by author, 14th May 2026

²¹³ Participant 1, interview by author, 28th April 2026

²¹⁴ On 29 July 2024, a mass stabbing took place in Southport, where 17-year-old Axel Rudakubana attacked a workshop attended by 26 children. Three young girls were killed, while ten others, including children and two adults, were seriously injured. In the immediate aftermath, misinformation about the attacker’s identity spread online, fuelling unrest. The

unrest, including clashes with police and the targeting of a local mosque, fuelling similar anti-immigration protests to spread nationwide²¹⁵. Such events demonstrate how quickly migrants can be constructed as threats. This narrative is reinforced by right-leaning political parties such as UKIP²¹⁶ or Reform UK supporting the protests.²¹⁷ Such events illustrate how rapidly migrants can be constructed as threats within public discourse.

Within this broader context, particular suspicion has been directed globally towards young male migrants, who are frequently portrayed not as individuals in need of protection, but as potential threats or even ‘a scourge’²¹⁸. Public and political rhetoric often invoke the question of why, if migration is humanitarian in nature, many arrivals appear to be ‘young men’, implicitly casting doubt on their legitimacy as victims. Moreover, public discourse is further affected by the language used in our media. Devereux notes that ‘the repeated use by the media and others of phrases like the ‘Refugee Crisis’ or ‘Migrant Crisis’ rather than naming recent events as a Humanitarian Crisis [...] carries with it the implication that the ‘crisis’ is the fault of migrants themselves.’²¹⁹ Such representations contribute to a broader construction of migrants, particularly those who are male, as ‘undeserving’. Likewise, the use of the word ‘crisis’ further adds to the anti-migrant narrative, as it positions individuals as something that must be solved.

Participant 1's interview²²⁰ further highlighted the central role of migration in Vietnamese trafficking cases. Many of the children encountered had travelled to the United Kingdom through complex migration routes facilitated by smugglers and traffickers. Some originated from families experiencing severe poverty or debt bondage, while others had parents who had borrowed substantial sums of money after being promised educational opportunities abroad. These migration journeys were therefore closely connected to structural vulnerabilities that traffickers subsequently exploited.

Yet migration itself can undermine recognition of victimhood. As Wechsler argues, victims who appear to have exercised agency through migration often struggle to obtain ‘complete and legitimate victim status’ because their movement is interpreted as evidence of choice rather than vulnerability.²²¹ For Vietnamese boys, the fact that they crossed international borders may encourage assumptions that they actively sought out opportunities abroad, obscuring the coercive and exploitative circumstances surrounding their journeys. Their status as migrants therefore complicates perceptions of innocence in ways that are less likely to affect victims who have not travelled.

following day, riots broke out in Southport, including an attack on a mosque, and over subsequent days, anti-immigration protests escalated across the country.

²¹⁵ Reuters, ‘Explainer: Why are there riots in the UK and who is behind them?’ (7 August 2024) <https://www.reuters.com> accessed 10 April 2026.

²¹⁶ Eoin Devereux, ‘Refugee Crisis or Humanitarian Crisis?’ (2017) 24 *Policy & Practice: A Development Education Review* <https://www.developmenteducationreview.com> accessed 10 April 2026.

²¹⁷ Helen Pidd and Eleanor Biggs, ‘“People are always looking for a scapegoat”: tensions rise in UK’s asylum and refugee hotspot’ (*The Guardian*, 5 November 2025) <https://www.theguardian.com> accessed 10 April 2026.

²¹⁸ N4

²¹⁹ N216

²²⁰ Participant 1, interview by author, 28th April 2026

²²¹ N175, 35

Migration also contributes to processes of social distancing. Ideal victims are individuals with whom audiences can readily identify. By contrast, migrant children may be perceived as outsiders whose experiences are less familiar to receiving societies. Language barriers further reinforce this dynamic as they increase vulnerability to exploitation while simultaneously making disclosure and identification more difficult.

Race and nationality may further shape perceptions of deservingness. Participant 4²²² observed that discussions of victimhood frequently involve assumptions regarding which victims are considered more deserving of sympathy and protection than others. They noted that hierarchies of victimhood emerge when societies begin to differentiate between victims according to characteristics such as nationality, ethnicity, or social status. Vietnamese boys therefore encounter a double burden: they are both criminally exploited children and migrant children whose experiences are filtered through broader discussions of illegal migration.

The combined effect of migration and racialised otherness is to distance Vietnamese boys from dominant victim narratives. Their exploitation becomes embedded within wider debates concerning migration, borders, and illegality, making victimhood more difficult to isolate and recognise. Consequently, migration status functions not simply as a background characteristic but as an important factor shaping access to recognition and protection. A British child found cultivating cannabis may have greater access to social services and rehabilitative justice, as opposed to a migrant child who may instead be deported.

3.4.3 Age, Gender, and Expectations of Vulnerability

Although Vietnamese trafficking victims involved in cannabis cultivation are children, their age does not automatically secure recognition as victims. Instead, age interacts with gender in ways that complicate assumptions regarding vulnerability. Boys are expected to display characteristics associated with masculinity, including resilience, independence, and self-sufficiency. They are also expected to engage in more risk-taking behaviours. These competing expectations can obscure the vulnerability of trafficked boys.

Participant 4²²³ challenged assumptions regarding how victims are expected to behave. Drawing upon research involving exploited boys and young men, they explained that victims often react in ways that do not correspond with conventional expectations of vulnerability. Rather than appearing visibly distressed, they may reject assistance, display anger, or fail to disclose exploitation. Such behaviours may be interpreted as evidence that they are not genuine victims when, in reality, they reflect the complex psychological impacts of exploitation. Still, an angry boy is much easier to label as a ‘dangerous migrant’ than a victim.

Age therefore does not operate independently from gender. Vietnamese boys occupy an uneasy position as they are children and therefore legally entitled to protection, yet they are also boys whose vulnerability is frequently underestimated. As the OSCE notes, boys are often viewed through the lens

²²² Participant 4, interview by author, 25th May 2026

²²³ Participant 4, interview by author, 25th May 2026

of their gender rather than their age, leading authorities to perceive them as ‘strong and invulnerable’ rather than as children requiring protection.²²⁴ Understanding this dynamic is essential for explaining why trafficked Vietnamese boys continue to face barriers to recognition and protection despite being among the children most vulnerable to criminal exploitation.

3.5 Narratives, Decision-Making, and Recognition

The preceding sections have demonstrated that trafficked Vietnamese boys occupy a position that diverges significantly from dominant constructions of victimhood. However, the significance of these hierarchies lies in how such perceptions influence institutional responses. Victimhood functions as a gateway to protection and support.

The hierarchy of victimhood operates most visibly at the point of decision-making. Whether a child is recognised as a trafficking victim depends upon how facts are interpreted by professionals. As Christie argues, victimhood is a socially negotiated status rather than an automatic consequence of harm.²²⁵ For trafficked Vietnamese boys, this issue is particularly significant because recognition requires decision-makers to look beyond immediate appearances. Professionals must be trauma-informed and actively identify lesser-known indicators of trafficking. The interviews conducted for this research suggest that failures of recognition frequently emerge when such assumptions remain unchallenged.

3.5.1 Institutional Assumptions About Victimhood

While legal frameworks formally recognise a wide range of trafficking experiences, decision-making processes do not occur in a social vacuum. Rather, professionals bring existing assumptions regarding vulnerability and deservingness into their assessments. These assumptions may influence which cases are identified as trafficking, which indicators are prioritised, and which victims are considered credible. The influence of these assumptions was particularly apparent in Participant 2's discussion of professional training exercises. As the participant noted, practitioners struggled to identify exploitation in scenarios where the victim was a jobseeker. Participant 4 too told me to pay attention to a person's immigration status and ethnicity as this will impact how they are responded to.

Institutional actors may encounter greater difficulty recognising certain victims because their experiences do not correspond with established expectations. Recognition therefore becomes dependent upon the interpretative frameworks through which evidence is assessed. This is particularly true of interviews. Participant 3 noted that questions during interviews do not list the full extent of what constitutes trafficking, giving only limited examples. Likewise, the participant noted concerns about the NRM interviews not being recorded, and that this often results in issues within the notes. Participant 3²²⁶ reported seeing forms with incorrect information and copy and pasted information.

²²⁴N187, 34

²²⁵ N11 19

²²⁶ Participant 3, interview by author, 15th May 2026

Interviews are also greatly dependent on the interviewer and their individual sensitivity or trauma-informed training. As Participant 4 observed, exploited children may react with anger, laughter, indifference, or resistance to assistance, despite having experienced significant harm. Such behaviours challenge conventional understandings of victimhood and may contribute to misrecognition where professionals expect victims to perform vulnerability in particular ways. Not all victims will respond with tears, and unfortunately not all interviewers are aware of trauma responses.

Institutional assumptions therefore play a crucial role in determining access to protection. The hierarchy of victimhood consequently operates not only as a cultural phenomenon but as a practical mechanism influencing institutional recognition.

3.5.2 Additional Findings from Practitioner Interviews

The practitioner interviews conducted for this research provide further evidence that trafficked Vietnamese boys encounter barriers to recognition that extend beyond formal legal definitions. Across the interviews, participants repeatedly described circumstances in which vulnerability was obscured by assumptions relating to criminality, migration, gender, and behaviour. Collectively, these observations reinforce the argument that hierarchies of victimhood continue to shape responses to trafficking in practice.

A further recurring theme was the significant psychological harm experienced by trafficked children. Participant 1 described²²⁷ Vietnamese boys arriving in the United Kingdom after prolonged journeys characterised by uncertainty, exploitation, and isolation, before becoming entirely dependent upon traffickers for survival. Such experiences frequently left children fearful, withdrawn, and unable to seek assistance independently. As such, Participant 1 noted significant issues with building trust, as these boys have often had their trust abused in the past. Further attention was drawn to how mental health can impact memory and the ability to recall information. Sleepless nights, PTSD, depression and anxiety can all contribute to victims being unable to recount their experiences in interviews. The same struggle was noted by Participant 3²²⁸, who also noted that interviewers may challenge credibility of victims unless presented with clear and almost-forensic details of the victims' exploitation.

Participant 2²²⁹ similarly emphasised the importance of understanding how trauma affects victim identification, noting that professionals cannot rely upon children to self-identify as trafficking victims because many are unable or unwilling to disclose their experiences. Participant 3²³⁰ further highlighted that victims of less stereotypical forms of trafficking often fail to recognise themselves as victims. This was particularly evident in cases involving male victims, who struggle to interpret their experiences as victimisation. Rather than seeking assistance or disclosing abuse, they may appear resistant, defensive, or disengaged. Collectively, these findings suggest that the psychological consequences of trafficking not only constitute a significant form of harm in their own right but may also contribute to failures of recognition where decision-makers continue to rely upon narrow

²²⁷ Participant 1, interview by author, 28th April 2026

²²⁸ Participant 3, interview by author, 15th May 2026

²²⁹ Participant 2, interview by author, 14th May 2026

²³⁰ Participant 3, interview by author, 15th May 2026

assumptions regarding victim behaviour and disclosure. As such, interviewers must understand trauma and accordingly alter their questioning and considerations of evidence.

3.6 Chapter Conclusion

This chapter has argued that the misrecognition of trafficked Vietnamese boys is best understood through the concept of the hierarchy of victimhood. Drawing upon Christie's theory of the ideal victim and subsequent scholarship on trafficking victimhood, it has demonstrated that victim status is not automatically conferred upon all individuals who experience exploitation. Rather, recognition is shaped by socially constructed assumptions regarding innocence, vulnerability, passivity, and deservingness.

The chapter has shown that contemporary trafficking discourse continues to privilege victims who conform to dominant narratives centred upon youth, femininity, sexual exploitation, and visible vulnerability. These narratives contribute to the creation of hierarchies in which some victims are more readily recognised and protected than others. Vietnamese boys trafficked into cannabis cultivation are particularly disadvantaged within these hierarchies because their experiences involve characteristics commonly associated with non-ideal victimhood, including criminal exploitation, migration, perceived agency, and masculinity.

The practitioner interviews provide strong support for these conclusions. Participants repeatedly identified the persistence of ideal victim stereotypes, difficulties recognising criminal exploitation, and institutional assumptions regarding how victims should behave.

Ultimately, the chapter has argued that trafficked Vietnamese boys are not misrecognised because they are less exploited than other trafficking victims. They are misrecognised because their experiences challenge dominant assumptions about what victims look like and how they behave. The hierarchy of victimhood therefore provides a critical framework for understanding why Vietnamese boys continue to face barriers to identification and protection despite falling squarely within legal definitions of child trafficking.

Chapter 4: Towards a Child-Centred Approach to Criminally Exploited Children

The preceding chapters have demonstrated that, despite the existence of extensive international and domestic legal protections, criminally exploited children continue to experience significant barriers to recognition and protection. We have examined the legal framework governing child trafficking in the United Kingdom, the experiences of Vietnamese boys trafficked into cannabis cultivation, and the role that the 'ideal victim' narratives play in shaping recognition and protection. This highlighted a persistent gap between the formal protections available to trafficked children and the realities of their experiences in practice. This chapter builds upon those findings by considering how the protection of criminally exploited children can be strengthened through a more child-centred approach. Drawing on practitioner interviews, academic literature, and international guidance, it explores a series of legal, policy, and practical reforms aimed at improving victim identification, strengthening the non-punishment principle, challenging harmful assumptions about victimhood, and embedding children's rights principles throughout decision-making processes.

4.1 Reassessing the Limits of the Current Framework

Although the UK has developed one of the more comprehensive anti-trafficking frameworks in Europe through the Modern Slavery Act 2015, the findings of this research suggest that significant gaps remain in the protection and identification of criminally exploited children. As demonstrated throughout the previous chapters, these shortcomings stem from persistent failures of identification and implementation. Criminally exploited Vietnamese boys continue to hold an ambiguous position within both anti-trafficking and asylum systems. Consequently, legal protections that exist on paper fail to translate into meaningful protection in practice.

A central limitation of the current framework is continued reliance upon assumptions associated with the ‘ideal victim’. As discussed in Chapter 3, victims of criminal exploitation rarely conform to dominant understandings of what a victim of trafficking looks like. Participant 4 observed that ‘anyone forced into criminality will be seen as primarily committing a crime, blameworthy [and at the] bottom of [the] hierarchy of victimhood’²³¹. Boys found on cannabis cultivation farms challenge assumptions of the weak and innocent victim because their exploitation often involves active participation in criminal conduct and illegal migration.

The terminology used within the UK’s anti-trafficking legislation may contribute to these difficulties. Participant 4²³² highlighted concerns regarding the UK’s adoption of the term ‘modern slavery’, noting that slavery and trafficking are distinct concepts within international law. While the anti-slavery discourse has undoubtedly broadened public awareness beyond sexual exploitation and encouraged recognition of labour exploitation, domestic servitude, and male victims, it may also inadvertently raise the threshold for victim recognition. As Participant 4 explained, contemporary understandings of slavery remain heavily influenced by associations with ownership, extreme brutality, and the transatlantic slave trade. Consequently, forms of exploitation that involve a degree of apparent agency, such as criminal exploitation, may not align with public or institutional understandings of when to apply the ‘modern slavery’ legislation. As such, perhaps grouping trafficking within the Modern Slavery Act 2015 creates too much semantic confusion.

At the same time, it is important not to overstate the limitations of the modern slavery framework. Participant 4 emphasised that the shift towards anti-slavery discourse produced important benefits by broadening recognition beyond the traditional focus on women and girls subjected to sexual exploitation. Indeed, the development of the Modern Slavery Act facilitated greater public discussion of labour exploitation, domestic servitude, and male victimisation. Nevertheless, the findings of this study suggest that criminal exploitation remains comparatively neglected within both public and professional understandings of trafficking.

The difficulties experienced by criminally exploited children are further exacerbated by increasingly restrictive migration policies. Participant 3²³³ highlighted particular concerns regarding the operation of the UK-France agreement, noting that trafficking indicators were frequently overlooked

²³¹ Participant 4, interview by author, 25th May 2026

²³² Participant 4, interview by author, 25th May 2026

²³³ Participant 3, interview by author, 15th May 2026

within fast-tracked procedures. The participant observed that individuals detained under the agreement were substantially less likely to receive positive reasonable grounds decisions than those processed through ordinary channels. Furthermore, the removal of reconsideration mechanisms significantly limited opportunities to challenge incorrect decisions. Such developments risk prioritising migration control over victim protection, particularly for children whose experiences do not immediately fit stereotypical trafficking narratives.

Recent legislative developments further illustrate the growing tension between immigration control and victim protection within the UK's anti-trafficking framework. At the time of writing, the new Immigration and Asylum Bill 2026 is being discussed, with its aims including reforming the modern slavery legislative framework and provide for the identification and support of children²³⁴. In response to the Immigration and Asylum Bill 2026, leading anti-trafficking organisations argued that the proposed reforms would significantly weaken protections for trafficking survivors by prioritising immigration enforcement over safeguarding obligations.²³⁵ Particular concern was expressed regarding the introduction of disclosure deadlines for reporting exploitation, with the organisations warning that such measures risk penalising survivors for trauma-related delays in disclosure and may push vulnerable individuals 'further underground'.²³⁶ The statement further criticised proposals to expand the use of Public Order Disqualifications, arguing that survivors could be denied identification and support on the basis of convictions incurred during their exploitation, thereby increasing the risk of re-trafficking. Of particular relevance to this thesis, the organisations noted that the Bill contains no meaningful commitment to a comprehensive strategy for child exploitation and warned that its cumulative effect may deny protection to some of the most vulnerable trafficked children.²³⁷ These concerns reflect a broader trend identified by participants throughout this study, whereby trafficking protections increasingly risk being subordinated to migration management objectives. Such developments are especially problematic for criminally exploited children, whose victim status is already face additional barriers to accessing protection and support.

The findings also reveal significant tensions between trafficking protection and asylum decision-making. While legal frameworks formally recognise the relevance of trafficking experiences, participants consistently described systems that operate largely in parallel rather than in an integrated manner. Participant 3²³⁸ noted that trafficking and asylum claims are 'often treated more as separate issues', while Participant 1²³⁹ described routinely requesting delays to asylum proceedings until trafficking determinations had been completed. Such fragmentation can prolong uncertainty for children and create additional inconsistencies between different decision-making processes.

²³⁴ Melanie Gower, *Immigration and Asylum Bill 2026* (House of Commons Library Research Briefing, 2 July 2026) [Immigration and Asylum Bill 2026 - House of Commons Library](#) accessed 3rd July 2026

²³⁵ Anti-Slavery International, 'The New Immigration and Asylum Bill Will Damage Modern Slavery Protections' (2 July 2026) [The new Immigration and Asylum Bill will damage modern slavery protections | Anti-Slavery International](#) accessed 3rd July 2026

²³⁶ *ibid*

²³⁷ *ibid*

²³⁸ Participant 3, interview by author, 15th May 2026

²³⁹ Participant 1, interview by author, 28th April 2026

The consequences of these delays should not be underestimated. Research consistently demonstrates that trafficking victims experience elevated rates of anxiety, depression, and post-traumatic stress disorder.²⁴⁰ In 2024, the average time between referral and a conclusive grounds decision was 637 days.²⁴¹ Participant 1 similarly described how trafficking claims frequently remained unresolved until children had reached adulthood. Such delays undermine the protective purpose of trafficking frameworks and risk exacerbating existing trauma.

Alongside procedural reforms, greater attention must also be directed towards prevention. Participant 1²⁴² strongly advocated for the expansion of safe and legal migration routes, arguing that children should not be forced to undertake dangerous journeys in lorries or small boats. This recommendation is particularly relevant in the context of Vietnamese children trafficked into cannabis cultivation, many of whom incur significant debts to facilitate migration. Reducing reliance on irregular migration routes would not eliminate trafficking entirely, but it would reduce opportunities for traffickers to exploit vulnerable children during transit and arrival.

Ultimately, the evidence suggests that the principal challenge facing the UK is the persistence of practices that continue to prioritise criminality, migration control, and stereotypical understandings of victimhood over the realities of exploitation. The following sections therefore focus on practical reforms aimed at improving identification, strengthening safeguards, and embedding a genuinely child-centred approach to criminal exploitation.

4.2 Strengthening the Non-Punishment Principle

The non-punishment principle is widely recognised as one of the most important protections available to victims of trafficking. Although the UK has incorporated this principle into domestic law through section 45 of the Modern Slavery Act 2015²⁴³, the findings of this research suggest that its effectiveness remains heavily dependent upon victim identification.

For many criminally exploited children, the primary obstacle is the failure to recognise them as victims in the first place. As Participant 2 explained, authorities generally understand the principle ‘in theory’²⁴⁴, yet its application becomes considerably more difficult where exploitation has not been identified or where the child has not disclosed their experiences. Similarly, Participant 4²⁴⁵ noted that individuals exploited in criminal activities frequently occupy ‘the bottom of the hierarchy of victimhood’, making decision-makers less willing to view them as victims rather than offenders.

The consequences of such misidentification can be severe. Participant 4²⁴⁶ highlighted current developments in Sweden, where concerns regarding youth involvement in organised crime have

²⁴⁰ Nuwan Galappathie, ‘Human Trafficking, Modern Slavery and the UK’s National Referral Mechanism’ (2026) BJPsych Advances, 2

²⁴¹ Ibid, 5

²⁴² Participant 1, interview by author, 28th April 2026

²⁴³ N15, s45

²⁴⁴ Participant 2, interview by author, 14th May 2026

²⁴⁵ Participant 4, interview by author, 25th May 2026

²⁴⁶ Participant 4, interview by author, 25th May 2026

prompted proposals to lower the age of criminal responsibility and establish additional detention facilities for children. According to the participant, these developments risk undermining existing international protections, particularly the principle that deprivation of liberty should be used only as a measure of last resort. The participant emphasised that the UN Convention on the Rights of the Child requires imprisonment to be avoided wherever possible and, where unavoidable, to be imposed for the shortest appropriate period. Similar concerns arise within the UK context whenever criminal justice responses overshadow safeguarding obligations.

Encouragingly, participants generally reported positive experiences regarding the application of the non-punishment principle once trafficking had been formally recognised. Participant 1 explained that Vietnamese children discovered in cannabis cultivation cases were ‘usually released with no further action’ following intervention by the Crown Prosecution Service and recognition of their trafficking status²⁴⁷. Likewise, Participant 3 described a case involving a cannabis farm in which the individual did not face criminal sanctions due to their exploitation²⁴⁸. These examples demonstrate that legal protections can function effectively when victimhood is properly identified. However, they also reinforce the central argument that identification remains the critical gateway to protection.

Concerns have additionally emerged regarding the increasing securitisation of trafficking policy. Galappathie notes that the Nationality and Borders Act 2022 introduced Public Order Disqualification provisions, allowing support and protections to be withdrawn from recognised trafficking victims deemed to pose a threat to public order.²⁴⁹ In practice, this means that individuals who receive positive trafficking decisions may nevertheless lose access to support if they have criminal convictions arising from their exploitation. Such measures are difficult to reconcile with the underlying rationale of the non-punishment principle, particularly in cases involving children who were groomed, coerced, or manipulated into offending.

Strengthening the non-punishment principle therefore requires authorities to adopt a presumption of potential victimhood when children are encountered in circumstances commonly associated with criminal exploitation. As Participant 2 observed²⁵⁰, professionals cannot wait for children to self-identify as victims; the responsibility for recognising indicators of exploitation rests with adults. This is especially important given that many children remain fearful of traffickers, distrust authorities, or fail to recognise their own experiences as trafficking.

Second, decision-makers should receive clearer guidance emphasising that criminal conduct may itself be an indicator of exploitation rather than evidence against victimhood. Canada's trauma-informed guidance for human trafficking investigations provides a useful example. The guidance explains that trauma may affect a victim's memory, behaviour, and ability to disclose their experiences, resulting in fragmented accounts, inconsistencies, or apparent reluctance to engage with authorities. It warns that these responses can be misinterpreted as dishonesty or non-cooperation by criminal justice professionals, when they may instead reflect the psychological impacts of exploitation.²⁵¹ The guidance

²⁴⁷ Participant 1

²⁴⁸ Participant 3

²⁴⁹ N240, 8

²⁵⁰ Participant 2, interview by author, 14th May 2026

²⁵¹ Patrick McCaffery and Lindsay Richardson, *Trauma-Informed Police Resources for Human Trafficking Cases* (Department of Justice Canada, September 2022), 9

notes that victims who come into contact with the police through criminal investigations may find actions such as restraint, isolation, confiscation of personal belongings, and intrusive questioning deeply triggering due to previous experiences of abuse and exploitation.²⁵² It therefore recommends that officers clearly explain each stage of the process and avoid leaving victims uncertain about what is happening or why. The UK could draw inspiration from this approach by embedding trauma-informed understandings of criminal behaviour within policing, prosecution, and immigration decision-making.

Finally, greater consistency is needed across institutions. The findings of this study suggest that outcomes often depend upon individual decision-makers rather than a uniform understanding of trafficking obligations. A genuinely child-centred application of the non-punishment principle would require all actors (including police officers, immigration officials, prosecutors, and judges) to approach children involved in criminal activity with an awareness of the possibility of exploitation. Where credible indicators of trafficking exist, safeguarding and identification should take precedence over punitive responses.

Ultimately, the non-punishment principle remains an essential safeguard for criminally exploited children. However, its effectiveness depends upon the willingness of authorities to look beyond the offence itself and recognise the exploitation that may lie behind it. Strengthening victim identification, challenging assumptions about criminality, and embedding trauma-informed approaches across institutions are therefore necessary preconditions for ensuring that criminally exploited children are treated as victims first.

4.3 Improving Victim Identification Processes

Access to safeguarding measures, specialist support, immigration protections, and the non-punishment principle is dependent upon a child first being recognised as a potential victim of trafficking. Consequently, failures at the identification stage can have profound and lasting consequences. The findings of this research suggest that criminally exploited boys remain particularly vulnerable to such failures due to the combined effects of victim stereotypes, delayed disclosure, inadequate screening procedures, and poor institutional communication.

A recurring theme across all participant interviews was that many trafficked children do not immediately disclose their experiences. Participant 1²⁵³ described a ‘general reticence’ amongst trafficked boys, explaining that trust often takes considerable time to establish because many have experienced repeated betrayals by adults. Similarly, Participant 3²⁵⁴ identified lack of disclosure as ‘a really big issue’, noting that male victims in particular frequently downplay their experiences or fail to recognise that what happened to them constituted trafficking. These observations align with wider research demonstrating that victims often experience shame, fear, guilt, and avoidance, all of which can inhibit disclosure.²⁵⁵

²⁵² Ibid, 9

²⁵³ Participant 1

²⁵⁴ Participant 3

²⁵⁵ N240, 4

Delayed disclosure should not be interpreted as evidence that trafficking has not occurred. Trafficked children may fear reprisals against themselves or their families, remain under the influence of traffickers, or distrust authorities due to previous experiences of institutionalisation or neglect. Participant 4²⁵⁶ noted that some exploited boys may actively reject offers of assistance because they associate shelters and support services with forms of control or confinement. Others may respond to questioning in ways that conflict with traditional expectations of victim behaviour, including displaying anger, laughing during interviews, or appearing indifferent to their circumstances. Such reactions risk being misinterpreted as indicators of credibility problems when they may instead reflect trauma and survival strategies.

Research on trafficking indicators further highlights the need for broader and more informed identification practices. The Home Office guidance identifies a wide range of indicators associated with trafficking, including debt bondage, threats against family members, fear of authorities, dependency on others for accommodation or food, travel expenses paid by third parties, and being found in locations such as cannabis cultivation sites.²⁵⁷ Many of these indicators closely resemble the experiences described by Participant 1's Vietnamese clients, whose journeys involved family debt, language barriers, dependence on traffickers, and eventual exploitation in cannabis cultivation. Yet despite these well-established indicators, participants consistently reported ongoing failures of identification across both immigration and trafficking systems.

The findings therefore suggest that improvements to victim identification require both procedural reforms and a broader shift in institutional culture. Rather than relying heavily on disclosure, authorities should adopt a more proactive approach that recognises trafficking indicators even where children are unwilling or unable to articulate their experiences.

Participant 1²⁵⁸ also proposed a more streamlined approach for groups of children who are already widely recognised as being at heightened risk of trafficking. Drawing on their experience representing Vietnamese boys exploited in cannabis cultivation, the participant argued that there are existing precedents within the asylum system for expedited processing of particular groups where claims are repeatedly found to be well-founded. Similar procedures could be considered in trafficking cases involving established patterns of exploitation. While any streamlined process would need to preserve individual assessment and procedural fairness, earlier identification could significantly reduce delays, facilitate access to support, and minimise the risk of re-trafficking. Such reforms would be particularly beneficial given that trafficking decisions frequently take years to conclude, leaving children in prolonged states of uncertainty.

Ultimately, improving victim identification requires recognising that criminally exploited children often present differently from traditional trafficking narratives. Effective identification systems must be capable of identifying victims who do not disclose immediately, who do not perceive themselves as victims, and whose exploitation manifests through criminal activity rather than more familiar forms of abuse. Without such changes, many children will continue to fall through the gaps.

²⁵⁶ Participant 4, interview by author, 25th May 2026

²⁵⁷ N240, 4

²⁵⁸ Participant 1

4.4 Challenging Victim Stereotypes Through Training

While legislative reform remains important, the findings of this research suggest that many of the barriers facing criminally exploited children stem from how that law is understood and applied by professionals. Across all participant interviews, concerns emerged regarding persistent stereotypes about victimhood, assumptions surrounding vulnerability, and limited awareness of less recognised forms of trafficking. As discussed in Chapter 3, criminally exploited boys are far from the stereotypical ‘ideal victim’. Consequently, laws must be accompanied by comprehensive and ongoing professional training.

Trauma research demonstrates that victims of trafficking frequently experience anxiety, depression, post-traumatic stress disorder, memory fragmentation, avoidance behaviours, and difficulties recalling events chronologically.²⁵⁹ Canadian trauma-informed policing guidance similarly notes that trauma can produce fragmented memories, memory lapses, and inconsistencies that may be incorrectly interpreted as dishonesty by investigators and courts.²⁶⁰ Training must therefore help professionals understand how trauma affects behaviour, disclosure, memory, and credibility.

Importantly, training should not be viewed as a one-off exercise. Trafficking methods continue to evolve, particularly within the context of criminal exploitation, county lines activity, online recruitment, and transnational criminal networks. Regularly updated training programmes are therefore essential to ensure that professionals remain capable of identifying emerging forms of exploitation and responding appropriately to vulnerable children. Furthermore, training should incorporate the experiences of survivors, frontline practitioners, and specialist organisations in order to challenge assumptions and expose professionals to the realities of trafficking as it occurs in practice. As Participant 2²⁶¹ observed, those implementing the law often possess valuable insights into the practical barriers facing victims, yet their perspectives are rarely incorporated into policy development.

The following sections examine the specific training needs of key actors involved in the identification and protection of criminally exploited children.

4.4.1 Police and First Responders

Police officers and other first responders occupy a critical position within the identification process, as they are often the first professionals to encounter trafficked children. As such, police and other first responders must be well-trained and made aware of their duty to refer potential victims.

Training should therefore equip first responders to identify a broad range of trafficking indicators, including debt bondage, dependency on exploiters, fear of authorities, signs of coercion, and involvement in criminal activity that may initially appear voluntary. Importantly, such training must be mandatory and regularly updated. Trafficking methods continue to evolve. Professionals who rely on outdated understandings of trafficking risk overlooking emerging forms of exploitation. Training

²⁵⁹ N240, 4-6

²⁶⁰ N251, 9

²⁶¹ Participant 2, interview by author, 14th May 2026

should therefore be viewed as an ongoing process rather than a one-off exercise completed at the start of a career.

The UK's approach could also draw inspiration from Canada's trauma-informed guidance for human trafficking investigations. The guidance recommends that officers clearly explain procedures and communicate with victims in ways that reduce uncertainty and fear.²⁶² Such principles are particularly relevant to criminally exploited children, who may first encounter police as suspected offenders. Embedding trauma-informed training within policing would help ensure that children are approached as potential victims of exploitation rather than solely through the lens of criminality.

4.4.2 Immigration Officials

The findings of this research also highlight the need for improved training amongst immigration officials. Participants repeatedly identified tensions between trafficking protection and immigration enforcement, raising concerns that potential indicators of exploitation are often overshadowed by efforts to manage migration.

Participant 3²⁶³ expressed concern that cooperation between agencies can sometimes occur primarily in pursuit of immigration enforcement objectives rather than victim protection. In the participant's experience, systems often work effectively together when the objective is removal or deportation, yet coordination can be far weaker when identifying trafficking risks or safeguarding vulnerable individuals. This observation reflects wider concerns regarding the increasing securitisation of trafficking policy, whereby trafficking is viewed through the lens of migration control rather than as a serious violation of human rights and children's rights.

Training for immigration officials should therefore emphasise the distinction between irregular migration and trafficking. While some trafficked children may have entered the United Kingdom through irregular routes, this should not obscure the possibility that they have been subjected to exploitation. Immigration decision-makers should be trained to recognise indicators of trafficking and understand that vulnerability to exploitation may arise both during migration journeys and after arrival in the UK. Rather than approaching individuals primarily as potential immigration offenders, officials should be encouraged to consider whether they may also be victims of trafficking in need of protection.

Recent criticism of the Immigration and Asylum Bill 2026 further illustrates the importance of this shift. Anti-Slavery International and numerous anti-trafficking organisations warned that measures prioritising immigration control over victim protection risk undermining identification processes and discouraging survivors from disclosing exploitation.²⁶⁴ Effective training must therefore challenge

²⁶² N251

²⁶³ Participant 3, interview by author, 15th May 2026

²⁶⁴ Anti-Slavery International, 'The New Immigration and Asylum Bill Will Damage Modern Slavery Protections' (2 July 2026) [The new Immigration and Asylum Bill will damage modern slavery protections | Anti-Slavery International](#) accessed 3rd July 2026

assumptions that frame boys as dangerous migrants and instead promote a safeguarding-first approach grounded in the best interests of the child.

4.4.3 Prosecutors and Judges

Prosecutors and judges play a crucial role in determining whether criminally exploited children are ultimately treated as victims or offenders. While the non-punishment principle provides an important safeguard, its effectiveness depends upon decision-makers understanding the realities of trafficking and recognising how exploitation may shape a child's involvement in criminal activity. Consequently, specialist training remains essential even where legal protections formally exist.

Participant 2²⁶⁵ reflected on delivering training sessions to legal professionals and noted that prosecutors and judges often appeared reserved when engaging with discussions surrounding trafficking and exploitation. While this does not necessarily indicate hostility towards victims, it suggests that further efforts may be required to ensure meaningful engagement with the complexities of criminal exploitation. In particular, training should address common misconceptions surrounding agency, credibility, and victim behaviour.

At the same time, the findings of this research indicate that important progress has already been made. Participant 1 described generally positive experiences with the Crown Prosecution Service in cases involving Vietnamese children trafficked into cannabis cultivation, explaining that many clients were ultimately released with no further action once their trafficking status had been recognised. These examples demonstrate that legal protections can operate effectively when decision-makers possess sufficient awareness of trafficking and criminal exploitation.

Nevertheless, the continued vulnerability of trafficked children justifies ongoing training and professional development. Criminally exploited children may present as uncooperative, provide inconsistent accounts, or struggle to disclose experiences of exploitation. Without an understanding of trauma and child development, such behaviours risk being interpreted as indicators of dishonesty rather than consequences of victimisation. Judicial training should therefore incorporate trauma-informed approaches, children's rights principles, and the realities of criminal exploitation to ensure that judges and prosecutors are equipped to make informed decisions. By strengthening professional understanding at all stages of the criminal justice process, the risk that trafficked children are criminalised rather than protected can be significantly reduced.

4.5 A Child Rights-Based Approach to Criminal Exploitation

The findings of this research demonstrate that many of the challenges faced by criminally exploited children stem from systems that continue to prioritise immigration control, criminal justice objectives, and evidential concerns over the rights and welfare of the child. A more fundamental shift is required to ensure that criminally exploited children are viewed first and foremost as children.

²⁶⁵ Participant 2

The UN Convention on the Rights of the Child²⁶⁶ provides the foundation for such an approach. Article 3 requires that the best interests of the child be a primary consideration in all actions concerning children, while Article 12 establishes the child's right to express their views and have those views given due weight²⁶⁷. Particularly relevant to criminally exploited children is Article 37²⁶⁸, which provides that detention should be used only as a measure of last resort and for the shortest appropriate period of time. As Participant 4²⁶⁹ observed, recent proposals in Sweden to lower the age of criminal responsibility and expand detention facilities for children involved in organised crime appear difficult to reconcile with these principles. Such developments illustrate the risks that arise when states respond to child exploitation primarily through criminal justice mechanisms rather than child protection frameworks, and the UK should work to avoid this.

A child rights-based approach requires recognition that children's involvement in criminal activity reflects their vulnerability rather than their culpability. Criminally exploited children frequently experience poverty, displacement, insecure immigration status, or social exclusion before coming into contact with traffickers. Participant 4 noted that criminal networks often provide children with a sense of belonging, respect, and community that may be absent from their home lives. Similarly, Participant 1 described how many Vietnamese boys were trafficked as a consequence of family debt, creating immense pressure to contribute financially to their households. These circumstances do not remove individual agency entirely, but they highlight the structural vulnerabilities that traffickers exploit. A child rights-based framework therefore shifts the focus from asking why a child became involved in criminal activity to asking what factors made that child vulnerable to exploitation.

Furthermore, child-friendly procedures should be embedded throughout trafficking, asylum, and criminal justice processes. Interviews should be conducted by appropriately trained professionals who understand child development and trauma. Questions should be adapted to the child's age, maturity, language abilities, and psychological state. Children should be given adequate time to build trust, disclose information gradually, and access appropriate support throughout proceedings. A child rights-based approach requires moving away from adversarial questioning towards methods designed to facilitate participation and minimise retraumatisation.

Canada's trauma-informed guidance for human trafficking investigations provides a useful model in this regard. The guidance emphasises rapport-building, clear communication, and sensitivity to the psychological impacts of trauma, while recognising that victims may struggle with memory, disclosure, and trust in authorities.²⁷⁰ The UK could draw inspiration from these principles by incorporating trauma-informed and child-centred interviewing techniques into training for police officers, immigration officials, and other frontline professionals. Such measures would not only improve the quality of evidence obtained but would also better protect children's rights and wellbeing throughout the process.

²⁶⁶ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

²⁶⁷ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 3 and 12

²⁶⁸ *ibid*, art 37

²⁶⁹ Participant 4, interview by author, 25th May 2026

²⁷⁰ Patrick McCaffery and Lindsay Richardson, *Trauma-Informed Police Resources for Human Trafficking Cases* (Department of Justice Canada, September 2022), 9-11

4.6 Chapter Conclusion

This chapter has argued that the primary challenge facing criminally exploited children is not the absence of legal protections, but the failure of existing systems to consistently recognise and implement them in practice. Drawing on participant interviews, it highlighted the need to strengthen victim identification, challenge stereotypes surrounding victimhood through professional training, and adopt more trauma-informed and child-centred approaches. By embedding children's rights principles throughout trafficking, asylum, and criminal justice processes, the UK would be better placed to ensure that criminally exploited children are recognised and protected as victims first and foremost.

Conclusion

5.1 Summary of Findings

This thesis set out to examine the extent to which 'ideal victim' narratives influence the identification and protection of trafficked unaccompanied Vietnamese boys in the United Kingdom. Through a combination of doctrinal legal analysis, socio-legal theory, and qualitative interviews with practitioners, it has argued that failures of protection cannot be explained solely by deficiencies within the legal framework itself. Rather, the evidence suggests that the implementation of anti-trafficking protections is significantly shaped by socially constructed assumptions regarding who constitutes a legitimate victim.

The analysis demonstrated that the United Kingdom possesses an extensive legal framework for the protection of trafficked children, including obligations arising under the Palermo Protocol, ECAT, the UNCRC, the ECHR, and the Modern Slavery Act 2015. In principle, these instruments provide extensive protections, including child-centred safeguarding duties and the non-punishment principle. However, the case study of Vietnamese boys trafficked into cannabis cultivation revealed a persistent gap between legal protection in theory and protection in practice.

The findings indicate that trafficked Vietnamese boys are placed lower within the hierarchy of victimhood. Their status as male migrants, their involvement in criminalised activities, and their perceived agency during migration all distance them from dominant constructions of the 'ideal victim', which continue to be associated with femininity, passivity, innocence, and sexual exploitation. Consequently, indicators of trafficking are often overlooked by frontline actors, leading to misidentification, detention, and, in some cases, removal. The experiences examined throughout this thesis therefore demonstrate that victimhood is a socially-constructed status, shaped by broader assumptions regarding vulnerability and deservingness.

Ultimately, the research supports the central hypothesis of this thesis. While the legal framework governing trafficking is comparatively strong, its effectiveness is undermined by gendered and moral assumptions that influence institutional decision-making. The result is a system in which access to protection is not always determined by the presence of exploitation alone, but also by the extent to which an individual conforms to dominant expectations of victimhood.

5.2 Contributions to Scholarship

This thesis contributes to existing scholarship in several ways. First, it addresses a significant gap within trafficking literature by focusing specifically on trafficked Vietnamese boys subjected to criminal exploitation. While trafficking research has traditionally concentrated on women and girls, particularly in the context of sexual exploitation, considerably less attention has been paid to male child victims involved in criminal activity. By centring this underexplored group, the thesis broadens current understandings of trafficking victimisation and challenges dominant assumptions regarding who trafficking victims are.

Second, the thesis contributes to theoretical debates concerning victimhood by applying Christie's concept of the ideal victim to contemporary anti-trafficking practice. While previous scholarship has examined ideal victim narratives in relation to trafficking generally, this research demonstrates how such narratives continue to influence institutional responses within policing, immigration, and victim identification. The concept of the ideal victim provides a useful explanatory framework for understanding why some victims are more readily recognised and protected than others.

Third, the thesis contributes to socio-legal scholarship by bridging the gap between legal doctrine and lived practice. Through the incorporation of practitioner interviews, it demonstrates that challenges surrounding victim identification are not merely theoretical concerns but are encountered regularly by professionals working with trafficked children. In doing so, the research highlights the importance of examining how legal protections operate in practice.

5.3 Recommendations for Law, Policy, and Practice

The findings of this thesis suggest that reform should focus primarily on implementation rather than full legislative reform. Greater emphasis should be placed on trauma-informed and child-centred training for police officers, immigration officials, prosecutors, first responders, and decision-makers within the National Referral Mechanism. Particular attention should be given to criminal exploitation and the experiences of male victims. Training materials and victim-identification guidance should move beyond narrow trafficking narratives centred on sexual exploitation and explicitly address non-ideal victims. Consideration should also be given to reducing delays within the NRM and asylum systems, improving access to specialist legal representation, and promoting multi-agency approaches similar to those adopted in jurisdictions such as Canada, where trauma-informed practice has increasingly been integrated into responses to trafficking and exploitation. Such reforms would help ensure that protections already contained within the existing legal framework are applied consistently and effectively in practice.

5.4 Limitations

Several limitations should be acknowledged. Most significantly, this research did not involve interviews with victims themselves. While practitioner perspectives provided valuable insight into patterns of identification, protection, and institutional decision-making, they cannot fully capture the

lived experiences of trafficked Vietnamese boys. Future research incorporating survivor voices would therefore provide an important complementary perspective.

The study is also limited by the size and composition of the interview sample. The participants represented a relatively small number of experts, with most working within legal or closely related fields. Perspectives from frontline practitioners such as social workers, psychologists, first responders, law enforcement officers, and specialist NGOs were not included and may have produced additional insights. Furthermore, participants were not all drawn from the United Kingdom, potentially limiting the extent to which the findings reflect national practice.

Finally, the possibility of researcher bias must be acknowledged. Given that participants were selected because of their expertise within trafficking-related fields, many expressed views broadly consistent with the central argument of this thesis. While this does not diminish the value of their observations, it may have reinforced rather than challenged the theoretical framework adopted by the research.

5.5 Areas for Future Research

Future research should prioritise the perspectives of trafficked children themselves. Interviews with survivors would provide valuable insight into how interactions with state authorities are experienced in practice, while also helping to assess whether practitioner perceptions align with survivors' own accounts.

Further research is also needed to determine whether the patterns identified in this thesis extend beyond Vietnamese boys trafficked into cannabis cultivation. Comparative studies could examine whether similar hierarchies of victimhood affect other groups who fall outside dominant trafficking narratives, including boys exploited through county lines operations, male victims of labour exploitation, or victims from other major trafficking source countries such as Albania and Nigeria.

Finally, future scholarship should explore the international applicability of the ideal victim framework within anti-trafficking systems. Comparative research examining different jurisdictions could help determine whether the misrecognition of criminally exploited boys reflects a uniquely British phenomenon or a broader challenge within global anti-trafficking governance. Such work would contribute to a deeper understanding of how gender, migration, criminality, and victimhood interact across different legal and cultural contexts.

Bibliography (generated with the help of ChatGPT from a list of footnotes):

Anti-Slavery International, 'The New Immigration and Asylum Bill Will Damage Modern Slavery Protections' (2 July 2026)

Anti-Slavery International, 'Trafficking from Vietnam to the UK'

Boffey D, 'What is the Real Story Behind Vietnamese Channel Boat Crossings?' (The Guardian, 26 April 2024)

Broad R and Turnbull N, 'From Human Trafficking to Modern Slavery: The Development of Anti-Trafficking Policy in the UK' (2019) 25(2) European Journal on Criminal Policy and Research 119

Charles Russell Speechlys, 'A Critical Reassessment of the Modern Slavery Act from the House of Lords' (16 January 2025)

Children Act 1989

Christie N, 'The Ideal Victim' in EA Fattah (ed), From Crime Policy to Victim Policy: Reorienting the Justice System (Macmillan 1986)

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended)

Cooper C, Hesketh O, Ellis N and Fair C, A Typology of Modern Slavery Offences in the UK (Home Office Research Report 93, 2017)

Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197, 16 May 2005)

Criminal Cases Review Commission, 'Vietnamese Trafficking Victim's Conviction Overturned after First CCRC Referral under Anti-Slavery Law' (25 October 2022)

Devereux E, 'Refugee Crisis or Humanitarian Crisis?' (2017) 24 Policy & Practice: A Development Education Review

Durán L and Davison L, 'More Than Words: How Definitions Impact on the UK's Response to Child Trafficking and Exploitation' (ECPAT UK, July 2025)

European Court of Human Rights, Factsheet: Trafficking in Human Beings (February 2024)

Fallon K, 'Male Refugees Stigmatised across Europe: "This Kind of Stuff Really Hurts"' (Al Jazeera, 11 February 2026)

Forringer-Beal A, 'Why the "Ideal Victim" Persists: Queering Representations of Victimhood in Human Trafficking Discourse' (2022) Anti-Trafficking Review 19

Galappathie N, 'Human Trafficking, Modern Slavery and the UK's National Referral Mechanism' (2026) BJPsych Advances

Gallo M and Thinyane H, 'The Palermo Protocol Turns 20: Failures of the Past and Shifting Paradigms for the Future' (United Nations University, 20 November 2020)

Gower M, Immigration and Asylum Bill 2026 (House of Commons Library Research Briefing, 2 July 2026)

GRETA, Third Evaluation Report on the United Kingdom (Council of Europe 2021)

GRETA, GRETA's Fourth Evaluation Visit to the United Kingdom (Council of Europe, 3–11 December 2024)

GRETA, Fourth Evaluation Round Report on the United Kingdom (Council of Europe 2026)

Guilbert K, 'Exclusive: UK Found Sending Home Dozens of Slavery Victims Despite Re-Trafficking Fears' (Reuters, 6 August 2019)

Head J, 'Channel Migrants: The Real Reason So Many Are Fleeing Vietnam' (BBC News, 6 January 2025)

Hebert LA, 'Always Victimiziers, Never Victims: Engaging Men and Boys in Human Trafficking Scholarship' (2016) 2(4) Journal of Human Trafficking 281

Heys A and Niezna M, The Non-Punishment Principle and its Implementation in the UK: Proceedings from 'Different Perspectives on the Non-Punishment Principle' Workshop, University of Oxford, October 2023 (Bonavero Report No 1/2024, Bonavero Institute of Human Rights 2024)

Home Office, 'Assessing Age' (UK Visas and Immigration, 30 June 2026)

Home Office, 'Country Policy and Information Note: Vietnam – Fear of Illegal Moneylenders' (Version 3.0, February 2025)

Home Office, Country Policy and Information Note: Vietnam: Trafficking (Executive Summary) (February 2025)

Home Office, Country Policy and Information Note: Vietnam: Trafficking (Version 6.0, February 2025)

Home Office, 'Guidance: National Referral Mechanism for Potential Adult Victims of Modern Slavery (England and Wales)' (updated 7 April 2026)

Home Office, Modern Slavery Act 2015 (10 June 2014)

Home Office, Bradley K and May T, 'Historic Law to End Modern Slavery Passed' (26 March 2015)

Human Rights Act 1998

Inter-Agency Coordination Group against Trafficking in Persons (ICAT), Non-Punishment of Victims of Trafficking (Issue Brief No 8, 2020)

International Organization for Migration, 'Potential Victims of Trafficking and Modern Slavery: Key Findings from IOM Data Analysis for the First Half of 2024' (2024)

Jovanović M, Topp V and Fluhr F, 'The Hierarchy of Victimhood: Prisons and States' Responsibility to Protect Every Victim of Modern Slavery and Human Trafficking' (2024) 4 International Criminology 383

McCaffery P and Richardson L, Trauma-Informed Police Resources for Human Trafficking Cases (Department of Justice Canada, September 2022)

Modern Slavery Act 2015

Necchi H and Bradford T, 'Examining the Exploitation of Vulnerable Migrant Populations and Interventions to Combat Human Trafficking and Modern-Day Slavery within the Illegal UK Cannabis Cultivation Industry' (2025) 9 Journal of Economic Criminology 100175

Office of the United Nations High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking

OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Applying Gender-Sensitive Approaches in Combating Trafficking in Human Beings (Vienna 2021)

Participant 1, interviewed by author, 28 April 2026

Participant 2, interviewed by author, 14 May 2026

Participant 3, interviewed by author, 15 May 2026

Participant 4, interviewed by author, 25 May 2026

Pidd H and Biggs E, “‘People Are Always Looking for a Scapegoat’: Tensions Rise in UK’s Asylum and Refugee Hotspot” (The Guardian, 5 November 2025)

R v N [2019] EWCA Crim 984

R v S [2020] EWCA Crim 765

Ramiz A, Rock P and Strang H, ‘Detecting Modern Slavery on Cannabis Farms: The Challenges of Evidence’ (2020) 4 Cambridge Journal of Evidence-Based Policing 202

Rantsev v Cyprus and Russia (App no 25965/04) (ECtHR, 7 January 2010)

Reuters, ‘Explainer: Why Are There Riots in the UK and Who Is Behind Them?’ (7 August 2024)

Smiragina-Ingelström P, Human Trafficking of Men: A Gendered Perspective on Victimhood (PhD thesis, University of Sydney 2020)

United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

United Nations Office on Drugs and Crime, ‘Our Response’

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319

V.C.L. and A.N. v United Kingdom (Apps nos 77587/12 and 74603/12) (ECtHR, 16 February 2021)

Wechsler RJ, ‘Recognizing Victims’ Perspectives: Toward a Human Rights-Based Approach to Human Trafficking’ (DPhil thesis, University of Oxford 2019)

Appendix:

Participant Profiles:

Interview Date: 28th April 2026 - Participant 1 - Former legal caseworker in the UK asylum sector with experience handling asylum and human rights claims, including cases involving unaccompanied asylum-seeking children. The participant had approximately three years of professional experience and had left practice around two years prior to the interview.

Interview Date: 14th May 2026 - Participant 2 – Greek senior legal practitioner with over 20 years of experience in asylum, human trafficking, and gender-based violence. The participant has worked across the asylum system, victim protection mechanisms, and professional training initiatives, including roles within governmental, intergovernmental, and civil society organisations. They have extensive experience supporting victims of trafficking and gender-based violence and contributing to professional capacity-building programmes.

Interview Date: 15th May 2026 - Participant 3 - Early-career legal practitioner. Former legal caseworker in UK who worked on asylum and immigration cases and progressed from a paralegal role to a senior case worker. Currently practicing in public law.

Interview Date: 25th May 2026 - Participant 4 - Academic researcher specialising in criminology, human trafficking, victimisation, and exploitation. The participant has extensive experience conducting research, teaching, and policy-oriented work on trafficking and victim protection. Their research has examined issues of victim identification, help-seeking behaviour, and gendered understandings of trafficking victimhood.